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# THE LORD DIGBY

K

## His last Speech against the Earle of Strafford,

Occasioned upon the reading the Bill of *Attainder* touching the point of Treason.

21 April 1641



This was Learnt by order of Parliament by y hand of Mr Harryman m.

Printed *Anno*, 1641. Smithfield &c
&c 15 July 1641

MVSEVM
BRITAN
NICVM

# The Lord *Digby's* laſt ſpeech againſt the Earle of *Strafford*, occaſioned upon the reading the Bill *of Attainder, touching the point of Treaſon.*

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## *Maſter Speaker.*

WEe are now upon the point of giving (as much as in us lyes) the finall ſentence unto death or life, on a great Miniſter of *State*, and *Peere* of this Kingdome, *Thomas* Earle of *Strafford*.

A name of hatred in the preſent ages by his practices, and fit to be made a terrour to future ages by his puniſhment. I have had the honour to be employed by the Houſe, in this great buſines; from the firſt houre that it was taken into conſi-

deration, it was a matter of great truſt, and I will ſay with confidence, that I have ſerved the Houſe in it with induſtry (according to my ability) with moſt exact faithfulneſſe and ſecrecie.

And as I have hitherto diſcharged my duty to this Houſe, and to my Country in the progreſſe of this great cauſe, ſo I truſt I ſhall do now in the laſt period of it, to God, and to a good conſcience.

I doe with the peace of that unto my ſelfe, and the bleſſings of Almighty God to me and my poſterity, according as my judgment on the life of this man ſhall be conſonant with my heart, and the beſt of my underſtanding in all integritie. I know well *Maſter Speaker*, That by ſome things I have ſaid of late, whilſt this Bill was in agitation, I have raiſed ſome prejudices upon me in the cauſe.

Yea, ſome (I thank them for their plain dealing) have been ſo free as to tell mee, That I ſuffered much, by the backwardneſſe I have ſhewn in this Bill of *Attainder* of the E. of *Strafford*, againſt whom I had

had been formerly ſo keen, ſo active.

*Maſter Speaker*, I beg of you and the reſt, but a ſuſpenſion of judgments concerning mee, till I have opened my heart unto you freely and cleerly in this buſineſſe.

Truly Sir, I am ſtill the ſame in my opinions and affections unto the Earle of *Strafford*, as that I confidently believe him the moſt dangerous Miniſter, the moſt inſupportable to free ſubjects that can be caractered.

I believe his practizes in themſelves as high, as Tyrannicall, as any ſubject ever ventred on; and the malignity of them hugely aggravated by thoſe rare abilities of his, whereof God hath given him the uſe, and the Devill the application; in a word, I believe him ſtill that grand *Apoſtate* to the Common-wealth, who muſt not expect to be pardon'd it in this world, till he be diſpatched to the other: and yet let mee tell you *Maſter Speaker*, My hand muſt not be to that diſpatch; I proteſt, as

my

my conſcience ſtands informed, I had rather it were off.

Let mee unfold unto you the Myſtery, (Maſter Speaker) I will not dwell much upon juſtifying unto you my ſeeming variance at this time, from what I appeared formerly, by putting you in minde of the difference betweene *Proſecutors* and *Iudges*, how misbecomming that fervour would be in a *Iudge*, which perhaps was commendable as a *Proſecutor*; *Iudges* we are now, and muſt put on another perſonage.

It is honeſt and noble to be earneſt in order to the diſcovery of *Truth*; but when *that* hath bin brought as farre as it can to light, our judgment thereupon ought to be calme and cautious.

In *Proſecution*, upon probable grounds, we are accountable onely for our *Induſtry*, or *Remiſneſſe*; but in *Iudgment* wee are deeply reſponſible to *God Almighty*, for its rectitude, or obliquity: In *Caſes of Life*, the *Iudge is Gods ſteward* of the parties bloud, and

and muſt give a ſtrict account for every drop.

But as I told you *Maſter Speaker*, I will not inſiſt long upon this ground of difference in me now, from what I was formerly.

The truth on't is *ſir*, The ſame ground whereupon I with the reſt of the five, to whom you firſt committed the *conſideration of my Lord of Strafford*, brought down our opinion, *That it was fit hee ſhould bee accuſed of Treaſon*; upon the ſame ground, I was engaged with earneſtneſſe in his *proſecution*, and had the ſame ground remayned in that force of beliefe with me (which till very lately it did) I ſhould not have bin tender in his *Condemnation*: but truly *ſir*, to deale plainly with you, That ground of our accuſation, that ſpur to our *proſecution*, and that which ſhould be the *Baſis* of my judgment of the Earle of *Strafford*, as unto *Treaſon*, is to my underſtanding quite vaniſhed away.

This it was *Maſter Speaker*.

His adviſing the King to employ the *Army* of *Ireland* to reduce *England*.

This I was aſſured would be proved before I gave my conſent to his accuſation, I was ſtill confirmed in the ſame belief, during the proſecution, and fortified in it moſt of all ſince Sir *Henry Vains* preparatory examinations by the aſſurances which that worthy member M. *Pimme* gave me, That his teſtimony would be made convincing by ſome notes of what paſſed at the *junćto* concurrent with it, which I ever underſtanding to be of ſome other Counſellour, you ſee now prove but a copy of the ſame *Secretaries* notes diſcovered and produced in the manner you have heard, and thoſe ſuch diſioynted fragments of the venemous part of diſcourſes, no *reſults*, no *concluſions* of *Counſels*, which are the onely things that *Secretaries* of *State* ſhould regiſter; there being no uſe at all of the other, but to accuſe and to bring men into danger.

But, *Sir*, This is not that which overthrows the *Evidence* with me, concern-

ing

ing the *Army* of *Ireland*, nor yet all the reſt of the *juncto* upon their oaths remember any thing of it.

But this *Sir* which I ſhall tell you, is that which works with me (under favour) to an utter overthrow of his *Evidence*, as unto that of the *Army* of *Ireland*, before whilſt I was a *Proſecutor*, and under tye of *ſecrecie*, I might not diſcover any weakneſſe of the cauſe, which now as a *Iudge* I muſt.

Maſter *Secretary* was examined thrice upon oath at the preparatory Cõmittee.

The firſt time, hee was queſtioned to all the *Interrogatories*; and to that part of the ſeventh which concerns the *Army* of *Ireland*, he ſaith poſitively in theſe words, I cannot charge him with that, but for the reſt, he deſires time to recollect himſelfe, which was granted him.

Some days after (the preciſe time I cannot ſay) he was examined a ſecond time, and then depoſes theſe words concerning the Kings being abſolved from rules

of *Government* and ſo forth, very cleerly; but being preſt to that part concerning the *Iriſh Armie* again, can ſay nothing to that.

Here we thought wee had done with him, till divers weeks after, my Lord of *Northumberland*, and all others of the *Iuncto*, denying to have heard any thing concerning thoſe words of reducing *England* by the *Iriſh Armie*, It was thought fit to examine the *Secretarie* once more; and then he depoſed theſe words to have bin ſaid by the Earle of *Strafford* to his Majeſty, *You have an Armie in* Ireland, *which you may employ here to reduce* (or ſome words to that ſence) *this Kingdome.*

*Maſter Speaker*, theſe are the *circumſtances* which (I confeſſe with my conſcience) thruſt quite out of doores that grand Article of our *charge*, concerning his deſperate advice to the *King*, *of employing the Iriſh Army here.*

Let not this I beſeech you be driven to an aſperſion upon *Maſter Secretarie*, as if he

hee ſhould have ſworne otherwiſe then he knew, or believed; hee is too worthy to doe that; onely let thus much be inferred from it, that he who twice upon oath, with time of recollection, could not remember any thing of ſuch a buſineſſe, might well a third time miſremember ſomewhat; and in this buſineſſe, the difference of one Letter, *here* for *there*, or *that* for *this*, quite alters the caſe, the latter alſo being more probable, ſince it is confeſſed of all hands, that the debate then was concerning a war with *Scotland*, and you may remember, that at the Bar hee once ſaid, to employ there; and thus *Maſter Speaker* I have faithfully given you an account, what it is that hath blunted the edge of the hatchet or bill with mee towards my Lord of *Strafford*.

This was that whereupon I accuſed him with a free heart, proſecuted him with earneſtneſſe, and had it to my underſtanding bin proved, ſhould have condemned him with innocence: Wherein

now

now I profeſſe I cannot ſatisfie my conſcience to doe it.

I profeſſe I can have no Notion of my Lords intent to ſubvert the Laws treaſonably by force, and this deſigne of force not appearing, all his other wicked practices cannot amount ſo high with me.

I can find a more eaſie and more naturall ſpring, from whence to derive all his other crimes, then from an intent to bring in tyranny (and to make his own poſterity aſwell as us ſlaves) as from *Revenge*, from *Pride*, from *Avarice*, from *Paſsion*, and *inſolence* of Nature.

But had *this* of the *Iriſh Army* bin proved it would have diffuſed a complexion of *Treaſon* over all; it would have beene a Weith indeed to binde all thoſe other ſcattered and leſſer branches, as it were into a faggot of *Treaſon*.

I doe

I doe not ſay but the reſt may repreſent him a man as worthy to die, and worthier perhaps then many a *Traitour*; I doe not ſay, but they may juſtly direct us to *enact* that the *like* ſhall be *Treaſon* for the future: but God keep me from giving judgment of death on *any man*, and of ruine to his innocent *poſteritie* upon a *Law* made *à poſteriore*.

Let the mark be ſet on the door where the *Plague* is, and then let him that will enter die.

I know *Maſter Speaker*, there is in Parliament a double power of *Life* and *Death* by *Bill*, a *judiciall* power, and a *Legiſlative*; the meaſure of the one is what's *Legally juſt*, of the other what's *Prudentially* and *Politickly* fit for the good and preſervation of the whole.

But theſe two (under favour) are not to be confounded in judgment, we muſt not

not proceed upon want of *Legalitie* with matter of *conveniencie*, nor the defailance of *Prudentiall* fitneſſe, with a pretence of *Legall juſtice.*

To condemne my *Lord of Strafford* judicially as for *Treaſon*, my *Conſcience* is not aſſured that the matter will beare it. And to do it by the *Legiſlative* power, my *Reaſon* conſultively cannot agree to that, ſince I am perſwaded, neither the *Lords* nor the *King* will paſſe the *Bill*; and conſequently, that our paſſing it will be a cauſe of great diviſions and combuſtions in the *State.*

And therefore my humble advice is, That laying aſide this *Bill* of *Attainder*, we may think of another (ſaving onely Life) ſuch as may ſecure the *State* from my *Lord of Strafford*, without indangering *it* as much by diviſion concerning his *puniſhment*, as he hath endangered it by his practizes.

If

If this may not be hearkned unto, let me conclude in saying that unto you all, which I have thoroughly inculcated to my own conscience upon this occasion; Let every man lay his hand upon his heart, and sadly consider what wee are going to doe, with a breath, either *Iustice* or *Murther*, *Iustice* on the one side, or *Murther* heighthned and aggravated to its supremest extent: For as the *Casuists* say, *That he that lies with his sister commits incest, but hee that marries his sister, sins higher, by applying Gods Ordinance to his crime*: So doubtlesse he that commits *Murther* with the sword of *Iustice*, heightens that crime to the utmost.

The danger being so great, the case so doubtfull, that I see the best Lawyers in *Diametrall opposition* concerning it, Let every man wipe his heart, as hee does his eyes when he would judge of a nice and subtle object, the Eye, if it be pretainted with any colour, is vitiated in its discerning; Let us take heed of a blood-shotten Eye of judgment.

Let every man purge his heart cleere of all passions: I know this great and wise body politike can have none; but I speake to *Individuals*, from the weakneſſe which I find in my ſelfe: Away with all *perſonall animoſities*; Away with all *flatteries* to the *people* in being the ſharper againſt *him*, becauſe he is odious to *them*; away with all *feares*, leſt by the ſparing his blood *they* may be incenſt; away with all ſuch *conſiderations*, as that it is not fit for a *Parliament*, that one accuſed by it of *Treaſon*, ſhould ſcape with life.

Let not the former vehemencie of *any* againſt him, no feare from thence, that *his* cannot be ſafe, while *that man* lives to be an ingredient in the ſentence of any one of us.

Of all theſe *corruptives of judgement*, *Maſter Speaker*, I doe before God diſcharge my ſelfe to the utmoſt of my power: and with a cleer conſcience waſh my hands of this mans blood, by this ſolemne proteſtation, *That my vote goes not to the taking of the Earle of* Straffords *life*.

FINIS.


BRITISH
MUSEUM

2

AN

# APROVED ANSWER TO THE PARTIALL AND VNLIKT OF Lord DIGBIES Speech to the Bill of Attainder of the Earle of *Strafford*.

Digby K

WHICH WAS FIRST TORNE in pieces, and afterwards disgracefully burnt by the Hangman in *Smithfield*, *Cheapside*, *Westminster*, upon Fryday being the 15. day of July, 1641.

*Written by a worthy Gentleman.*

Printed in the yeare, 1641.

1 Jck

# AN APPROVED ANSWER TO THE PARTIALL AND VNEQVET OF Lord DIGBIES speech to the Bill of Attainder of the Earle of Strafford.

MVSEVM BRITANNICVM

# AN APROVED ANSWER TO THE PARTIALL AND VNLIKE OF Lord DIGBIES Speech to the Bill of Attainder of the Earle of *Strafford*.

THe Iudge, that is the incoherent self-dividing and self-forsaking speech, that endevor to shew how the same man, might both condemne and acquit the same man (the Earle of *Strafford*) doth not so much call for the stroke of an hammer, to batter it, as a puffe of wind to blow it away, to encounter it with the Votes of the two Houses of Parliament, with the united opinion of the Iudges, with the learned Argument in *Westminster* Hall (before the Committees of both Houses) were to kill a Fly with an Axe, and to honour, rather then to overthrow it. For certainly the strength of it is only great in the kindnesse (that I lay not the weaknesse) of the Reader, stealing away the affection, not convincing the Iudgement; if Arguments bee raised from it; they are such, as neede an Hospitall, being blinde and lame; if Arguments

be as fast against it the speech falls before them, like grasse before the Mower.

Will you see an Argument of this paper, and indeed a paper Argument:

If it doth not appeare to him by two Testimonies, that the Army of *Ireland* was to bee brought over to reduce this Kingdome then the Earle of *Strefford* is not guiltie of high treason.

Now doth he beleeve himself in this proposition, when he seeth divers other charges of treason besides laid against him; if 3. or 4. Treasons be objected and proved, is it a sufficient cause of clearing if 1. be not proved to his mind, and as he saies but by a single testimony, though the other by more; if the Author cannot bee drawn to a better beliefe by the cords of reason, I thinke he would certainly be drawne to it, by the cords of a comparison. If himself were tied with three or foure cords, and a friend had freed him from one, would he tell his Friend, let me alone for I am free enough, though I am bound by the rest; surely I think the other cords (after some stay at least) would perswade him to change his minde by his inability to change his place.

But Faults in this paper doe not goe alone; For is he not wilfingly blind when he sees not the very clause, of reducing this Kingdome by an Irish Army manifestly appearing in the former and as it were looking him in the Face; For a former testimony of 2. witnesses saith, that his Majesty is absolved from all rules of goverment and may doe what power will admit: certainly

most

most besides himselfe doe see what power will admit the use of an Irish Army and any other that the same power can purchase, or command. So that where he quarrels for want of an Irish Army, he hath gotten now about his eares, *Irish*, *English*, *Dutch*, &c.

But yet againe he multiplies and is fruitfull in absurdities. He saies, that he hath no notion of subverting law treasonable but only by force; certainly this Argument then will never subvert the Law, for it hath no force in it, it is an Argument taken onely from his owne ignorance, and runs, or rather halts thus, he knowes no other, therefore there is no other; to frame this right it should run thus.

There is no way of subverting the Law, but that which I know, but I know no way of subverting the Law, but by force. Now in the first of these is too much knowledge, and in the latter too much ignorance.

But who saith this, Is it some ancient Judge or Father of the Law, that hath swallowed and digested the great volumes of that judicious and weightie profession, or is it the Speech of one that lookes more into the Court then the Innes of Court, I pray behold an Engine strongly framed to lift up and overpoise the trust and beliefe of a whole Kingdome in point of Law, *A young Gentleman knowes it not.*

But if he be not skilfull in Common Law, he may be somewhat skilfull in common Reason, and that may tell him, that if nothing but

 force

can ſubvert Law, then Iudges cannot ſubvert Law upon the ſeates of Iuſtice; for though they will fully pronounce iudgment contrary to law, ſtop lawfull defences, and rob the ſubject of the benefit of law; & let looſe the Prerogative upon the Law to deſtroy it, except they drive the Subjects away from Courts of iuſtice by Halberds & *Guns*; they may take the Law from them by falſe iudgments, denying *prohibitions habeas corpus*, and all legall Remedies and yet not ſubvert the Law. If this Authors eſtate ſhould be loſt by this way of iniuſtice, he may comfort himſelfe (and let it be his comfort alone) that it is not loſt by ſubverting the Law. O unhappy *Treſillian* that thou didſt not live in the times, when ſuch patronages might have beene given thee, for then mightſt thou have lived out thy time, ſince thou couldſt not commit Treaſon by ſubverting the Iron Lawes, but onely by Iron.

And now I am fallen upon *Treſillian*, I may not forget this Authors argument, to which this *Treſillian* will give an unhappy concluſion.

He argues thus:

The Earle of Straffords practiſes have bin as high, as tyrannicall, as ever any. But the practiſes of *Treſilian* and others have bin as high as high Treaſon. Therefore the Earle of Straffords practiſes have been as high Treaſon.

Thus you ſee how this Author with the helpe of *Treſilian* hath prononced ſentence againſt the E. of Strafford, So that if he had no other Iudge this one thus aſſiſted would condemn him, when



he

he goes about to save him.

But that is nothing to the purpose, that he is condemned, for though he be condemned, and so condemned, that he can never be absolved till he be dispatcht into another world, yet this Author will not have a hand in this dispatch.

A merciful Inference and most unsutable to the premises, especially if it come out of the mouth of a Judge. Marke how it sounds in such a mouth, I being a Judge condemne you as guilty of murther or of as high a treason as any, but I will haue no hand in your sentence or dispatch. If Judges should ride their circuits and end their Assies in this Logick, granting the premises, and denying the conclusion, were it not most vaine and a meere mockery of Justice? For it were only to find faults, and not to correct them, and to turne Justice into meere words. It would shortly make a Kingdome a den of Theeues, murderers and Traytors, and safe for none to dwel in, no not for those that teach this doctrin, though they may be thought by teaching to deserue it. *Nec enim Lex justior ulla, &c.*

Lastly, who can beleeue this mans suspitions rather then *Sr. Henry Vanes* oath upon advised Recollection? and oath that gets an addition of beliefe from the speeches going before (iointly testified by the truely Noble Earle of *Northumberland*) and backt by a memoriall written the same day when the words were spoken: which words cald venemous by this paper, had their venome from the speaker, not the hearer, and being

being recorded the ſame day wherein they were ſpoken, did ariſe thereby to ſuch a pregnance of Teſtimony, that it became very great, and might in a wiſe mans eye (be it *Mr. Pym* or any other) looke very neere as big as two.

But though the Teſtimonies be big, or many, and the charges many alſo; and the Earle of Strafford as high and tyrannicall in practiſes as ever any (by the Authors confeſſion) yet hee muſt at once be both condemned, and ſaved. Though in his ſaving, the Votes of both Houſes be condemned, and the Kingdome and Law in danger not to be ſaved.

FINIS.

# AN ANSWER TO THE LORD DIGBIES Speech in the Houſe of COMMONS;

To the Bill of Attainder of the Earle of *Strafford*, the 21th. of *April*. 1641.

Written by occaſion of the firſt publiſhing of that ſpeech of his Lordſhips.

And now printed in regard of the reprinting of that *Speech*.

K. Digby
Att.

Printed in the yeare, 1641.

# AN
# ANSWER
# TO THE LORD
# [illegible]'s Speech in the
# House of COMMONS,

To the Bill of Attainder of the
Late of Strafford, the 21th

Written by occasion of the Bill pub-
lishing of that Speech of
his Lordships.

And now printed in regard of the re-
printing of that Speech.

Printed in the yeare,
1641.

# AN ANSWER

## To the Lord *Digbies* Speech in the House of COMMONS,

## To the Bill of Attainder of the Earle of *Strafford*, the 21. of *April*, 1641.

THE interest which every good subject hath in the actions of the King and State, is sufficient to defend him from the imputation of being a busie body in maintaining the Justice of them. That, and my desire to doe the Lord *Digby* service, by endeavouring to give him satisfaction in those scruples, which made him differ from his former self, have moved me to enter into an examination of the grounds of that change which his Lordship hath declared in his speech to the Bill of Attainder of the Lord *Strafford*. They are but two.

The first and maine is the fayling of that in the Proofe, which induced his Lordsh. to consent, that it was fit the Lord of *Strafford* should be accused of Treason, which was, his advising the King to imploy the Army of *Ireland* to reduce *England*.

For admitting the circumstances of Master Secretary *Vanes*, three severall examinations at the Preparatory Committee, to be the same his Lordship hath reported, yet why they should prevaile so much with his Lordship, as to work to an utter overthrow of his evidence, as unto the Army of *Ireland*: I must confesse, I therefore cannot comprehend, because all his Lordship doth, or would have others inferre thereupon is; *That hee who twise upon oath, with time of recollection could not remember any thing of such a businesse, might well a third time misremember some*

For certainely notes taken by Sir *Henry Vane* himselfe, of words spoken by the Lord *Strafford*, either at the time, and upon the place when, and where they were uttered, or soone after when they were fresh in memory, are a stronger confirmation that his remembrance at last fixed upon the point of truth; notwithstanding the long trepidation about it, then the notes of any other Counsellor could have beene. And there was a time when his Lordship avoweth, that *he was fortified in his belief by the imagination that the notes hee had beene told of would have prevailed with other Counsellors.*

So strong indeed to my understanding, that I cannot see how the validity of Mr. Secretaries testimony can be in the least degree infringed, without making a great breach into his conscience.

For if I should allow (which I doe not) that there could be *no other use* of committing those *venemous parts of discourses* to paper, but *to accuse men, and so bring them into danger*, certainely it then behooved Mr. Secretary to bee very carefull that the notes he tooke were no such *disjoynted fragments*, as by falling into other hands, (as it hapned) might make a great Minister of state, and his fellow Counsellor to bee thought to have said that which was never intended by him.

And if it be true, as I rather beleeve, that Mr. Secretaries end in registring that indeed truly venemous advise of the Lord *Strafford*, was to make sure of his memory, in case hee should ever be called to testifie what had passed at that Iunto (which hath also hapned,) it then behoved him no lesse to consider well what hee put downe in writing, for the support of his memory, and much more to recollect himselfe very well before hee deposed any thing in remembrance of his notes, after the paper was burnt. And considering his having at first rashly said, that hee could not charge the Lord *Strafford* with that of the Irish Army, it was a great pro-

providence of God, that a copy of the paper hee had burned ſhould have beene taken, produced, and atteſted in the manner it was, without his having had any hand in any of them. For, I doe not know even what I ſhould have thought of Maſter Secretaries teſtimony without this forraine helpe, although with it I think no ſingle teſtimony can be ſtronger, and that his had not beene ſo ſtrong, though hee had at firſt depoſed the ſame hee did at laſt, as it is now, notwithſtanding his variation, taking in the confirming circumſtances from without.

I humbly beſeech the Lord *Digby*, who I ſee hath a noble and Chriſtian care *not to have any thing driven to an aſperſion on Maſter Secretary*, firſt to thinke well upon the things I have now ſuggeſted to his conſideration, touching the neceſſity which in duty lay on Mr. Secretary to take heed that there were not a ſyllable, nor title amiſſe in his notes, and then to tell himſelfe what place there is left, for imagining *there might bee a miſtake of here for there, or this for that, and that it is probable there was ſo, ſince it is confeſſed on all hands, that the debate then was concerning a warre with Scotland.* For that there was any ſuch miſtake in the copy of his notes, cannot be fancied without infinite injury to Mr. Secretaries ſonne, and to that moſt worthy Gentleman Maſter *Pimmel* who took the copie with a purpoſe to make the uſe hath beene made of it, and who, I heare, have in generall but high termes

averred

averred the truth thereof, having both had a ſight of the originall, and being both of untainted, and undoubted veracity. And that Maſter Secretary could not ſo miſtake in the making of his memoriall, is very manifeſt, by the incoherence of the Lord *Digbies* Criticiſme with the whole context of the preceding words, *viz. That having tryed the affections of his people, his Majeſtie was looſe and abſolved from all rules of government, and was to doe every thing that power would admit, and that his Majeſty had tryed all wayes, and was refuſed, and ſhould be acquitted, both with God and man, and that hee had an Army in Ireland, which hee might imploy to reduce his Kingdome.*

For what need was there to make ſo great a Muſter of things done in England, for the acquitting of his Majeſtie with God, and man, towards the employing of the Iriſh Army, to reduce the Kingdome of Scotland.

And though the primary debate of that day was concerning a warre with Scotland, yet that debate muſt needs bring in a ſecond *quæſtion*, how monies might be raiſed in England towards the making of that warre, the Parliament having refuſed to ſupply his Majeſtie, as the Lord *Strafford* moſt wickedly ſlaundered the houſe of Commons.

And if in the Lord *Digbies* conceit, it were not hard for Mr. Secretary to miſtake in the manner aforeſaid, then why was his Lordſhip ſo eaſily engaged to proſecute his accuſation of

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the Lord *Straffond* of high Treason, with so much earnestnesse, founding his judgement on a Basis that might so easily faile, and which by the wavering of Mr. Secretary in his testimony hee had cause to feare would faile, nay which had already actually fayled so farre, that there was no expectance of more then a single testimony fortified with circumstances, some time before his Lordship gave over his *former fervor*.

Or if it should bee admitted, that there is no improbality of such an unwilfull mistake in Mr. Secretary *Vane*, then it cannot be denyed, but that an other Counsellor of that iunto might as easily have committed the same, or the like error in his notes; and allowing me this, I shall then beseech his Lordship without prejudice to Mr. Secretary, to give himselfe a good reason, why *that ground of his accusation, that spring of his prosecution, that basis of his Judgement of the Earle of Strafford as unto Treason, should be quite rubbisht away to his understanding*, so soone as hee knew the notes were Sir *Henry Vanes*, which till that instant had beene in such force of belief with him, that *had it remained in the same, hee should not have beene tender in the Lord* Straffords *condemnation*. For in the scales of my weake Iudgement there is no such difference in the weight of two Counsellors notes, especially those which is proved to be Mr. Secretary *Vanes*, having beene at last, though slowly confirmed by his memory upon oath, without helpe of his paper, whereas

those

those of some other Counsellors might have proved inferior in those two great credentiall circumstances, for ought his Lordship had then heard, or had reason to imagine.

For it will not helpe his Lordship to say, that hee hath expressed himselfe in those wary termes, that to his understanding that ground is *quite vanisht away, as unto Treason*, toward the legall proofe whereof a single witnesse is no better then none; because no notes could have supplyed the defect of another witnesse, and all the rest of the Iunto had already upon their oathes remembred nothing of this matter. Before his Lordship changed his judgement, and for ought hee could know, might have continued to doe so, not withstanding the production of any of their notes, which they upon their re-examination might also have evaded, as his Lordship would these of Mr. Secretaries.

So that upon the whole matter had this particular of the Irish Army beene the sole charge, and proved no otherwise then his Lordship imagined it would have beene, that is to say by Sir *Henry Vanes* single testimony without his notes, and some other Counsellors notes without his testimony, I cannot see how his Lordship could judiciously have condemned the Lord *Strafford* of treason with innocence according to his principles.

And as for a diffusing of a complexion of treason overall, if that particular had beene sufficiently

ently witneſſed, or becomming a With to bind all the ſcattered and leſſer branches, as it were into a faggot of Treaſon, Sure the anteceedent words are ſo much more powerfull to that effect, as they are more comprehenſive, and they were clearly depoſed by my Lord the Earle of *Northumberland*, as well as by Sir *Henry Vane*, though no other of the Iunto remembred any thing of them neither, which doth take off much of the ſtrangeneſſe of Mr. Secretaries ſingle teſtimony, and I beleeve hath bin the ground whereupon many a tender conſcience hath paſſed that Bill, wherein his Lordſhip was more ſcrupulous then I can yet find ſufficient cauſe for.

For I crave leave to aske his Lordſhip this Queſtion, whether, if ſome miſcreant had been tampering with others to take away the life of the King, and this had beene evidenced by two witneſſes, whereof one had depoſed, that hee adviſed the doing of it by poyſon as the ſureſt and ſafeſt way, the other denying thoſe words upon oath, ſhould notwithſtanding have ſworn clearely that hee heard him perſwade the killing of the King, and giving reaſons for the neceſſity and lawfulneſſe thereof, and his Lordſhip had beene one of the Iury, whether hee would have made any more bones of condemning that villany, then if they had both agreed in a tale touching the matter of poyſon: And if his Lordſhip could have ſwallowed that difference in their depoſitions well enough, it may then be

a matter worthy of his further enquiry, from what quarter that Gnat came, which ſtuck ſo faſt with his Lordſhip in a caſe fully paralell: There reſting as little doubt in one, that his Majeſty might lawfully have imployed the Iriſh Army to reduce this kingdome, if he might, and was to have done every thing that power would admit for the raiſing of monies otherwiſe, after the Parliament had not ſupplyed him, as there would have reſted in another, whether he might have poyſoned the King, after he had been ſatisfied that he might have killed him.

The Lord *Strafford* ſaw very well, that the knot of the With was in this part of that deſperate adviſe of his, and the Lord *Digby* may remember the poor ſhift he made to looſe it by explaining himſelfe thus. His Majeſty *was to doe every thing that power would admit, that is every thing that power would lawfully admit*, to the doing wherof I ſuppoſe his Majeſty needed not to be looſed, and abſolved from all rules of government. And ſo for thoſe other words in the end of the 22. Article, that his Majeſty ſhould firſt try the Parliament here, and if that did not ſupply him according to his occaſions, he might then uſe his prerogative as he pleaſed to levy what he needed, & that he ſhould be acquitted both of God and man, *if he tooke ſome other courſes, though it were againſt the will of his ſubjects*. And the declaration he made in open counſell mentioned in the end of the 21 Article. That he would ſerve his Majeſty *in any other*

way in caſe the Parliament did not ſupply him; *that is lawfull way, and lawfull courſes*, ſaid the Lord *Strafford*, now he found the point of theſe miſchievous words turned upon himſelfe. And yet there was a time when no man urged with more vehemencie, that no ſuch Prerogative courſes to raiſe monies could be lawfull, and I am ſure no lawfull courſes at any time would have beene againſt the wills of any of his Majeſties ſubjects.

This was all that the mighty wit of the Lord *Strafford* could deviſe in avoydance of the ſtabbing guilt of that moſt treacherous, and wicked Counſell of his. But the Lord *Digby* helpeth him with many better guards.

Firſt, by profeſſing that he can have no notion of any bodies intent to ſubvert the Lawes treaſonably, but by force. What a wide doore hath his Lordſhip in few words ſet open to wicked Iudges and Counſellors, to trample the publike liberty of Kingdomes and States under foot, and then to eſcape without puniſhment, or with leſſe then can reſtraine them, or ſecure others from their lewd practiſes. May not their concurrence and conſtancy in giving ſuch wicked judgements, & counſels upon all emergent occaſions, be as ſure evidences of their intents to ſubvert the Lawes, as the readineſſe of ſword-men to abet and maintaine them therein? May not a free mighty Monarchy be thus in an age, or two, quietly converted into a moſt ſla-

viſh,

vish, and impotent tyrannie, by the pen, and abuse of the sword of Iustice, without the use of any other on the Princes part, if the Lawes of the land, and of the Religion professed in it, bind the people from drawing their swords in maintenance of their liberty? and shall their obedience to God, and the King, and their Lawes, leave them without hope or means of redresse by the same Lawes, for what sufficient redresse, and reparation can be made them if the result of a hundred such wicked judgements and Counsels shall be onely *a great misdemeanour, and a hundred misdemeanors cannot make a felony; not a hundred Felonies amount to a Treason*, according to the Lord *Straffords* position maintained publikely at his tryall: I wish the Lord *Digby* had longer ruminated upon his ill digested judgement in this point, before he put it over for good.

I proceed to the next words. They are. *And this designe of force not appearing, all his other wicked practises cannot amount so high with me.* Wherein if by *this designe* his Lordship meane the particular designe of bringing the Irish Army into *England*, then is the consequence most inconsequent. For sure if the Lord *Strafford* had not, he might have had some other designe upon this Kingdome, that would have amounted to high treason in the Lord *Digbies* eye: or if *by this designe* his Lordship intend generally the designe of using force, then sure it was made plaine enough

to his Lordſhip at the tryall, that *the Lord Straf-ford did more then deſigne the uſing of force* to the ſubverſion of more then one of the fundamen-tall Lawes of *England* and *Ireland*, having actu-ally levied warre upon the Kings liege people, to conſtraine obedience to his illegall ſummons and orders upon Paper-petitions, and to raiſe moneys upon them againſt their wills.

But his Lordſhip ſaith, *Hee can find a more na-turall ſpring from whence to derive thoſe, and all his other Crimes then from an intention to bring in Tyranny, and to make his owne poſterity, as well as ours ſlaves. As from revenge, from pride, from A-varice, from paſſion, from inſolence of nature.* Is it poſſible that ſo ſharpe a wit as the Lord *Dig-byes*, that can ſo quickly eſpy the miſhap of any argument brought forth againſt the Lord *Strafford*, ſhould not ſee this miſconception of his own in his excuſe? Shall no man be a Tray-tor, that can find another more naturall, ſpring from whence to derive his treaſonable deſignes and actions, then from an intent to commit Treaſon? Then the Lord *Strafford* would not have beene a Traytor with the Lord *Digby*, though hee had brought the Iriſh Army into *England*, if that action had originally flowed from one of the foreſaid Springs, as I beleeve it would have done. Then his Lordſhip may abſolve many, and I am ſure will one of the Gun-powder Traytors, whoſe ſon hath found ſo much Princely compaſſion and favour from

his

his Majeſtie, and the King his Father, upon (I beleeve) a well-grounded opinion, that the Fathers deſigne to have deſtroyed the King his Maſter, proceeded not from any malicious mind to his ſacred perſon, but was derived from his zeale to his Religion, a purer ſpring then any of thoſe his Lordſhip hath found out, to waſh the Lord *Strafford*, which certainly have beene the ſprings of all the fowleſt treaſons in the world.

And as for the Lord *Straffords* reſpect to his poſteritie, ſince the Lord *Digby* knoweth (no man better) that we are all deceived with a ſhew of good in every ſinne weare drawne into by him, who (hee thinketh) *gave the Lord Strafford the application of his rare abilities*: And that not only many Miniſters of State are eaſily engaged to bee Inſtruments of overthrowing the Common-wealth, and glory of Kingdomes, ſo they may advance themſelves and their Families to riches and honour, becauſe that in ſo doing they imagine they get more in their private fortunes then they loſe in their parts of the publike; But even the wiſeſt Princes themſelves have by this deceit been drawne into the ſame errour, as *Philip* the ſecond of *Spaine*, and *Lewis* the eleventh of *France*, (For an error it was in them, and may bee demonſtrated to have been ſo, as farre as Politique matters are capable of demonſtration.)

Nay ſince the Lord *Digby* avoweth that the

conſideration

consideration of his posteritie did not hold the Lord *Strafford* himselfe from becomming *the grand Apostate to the Common-wealth, not only in opinions, but by falling from them to practise, as high, as tyrannicall, as any subject ever censured on, and such as made him the most dangerous Minister, the most insupportable to free subjects that can bee Characterd*; I know not why his Lordship should esteeme it so sure a preservative against the Treason he hath suffered for.

I had almost said justly, and so doth his Lordship; *For he doth not say, but the Lord Strafford was worthy to dye, and perhaps worthier then many a Traytor. He doth not say but his words, counsells, and actions, have beene proved to be such as may direct the King and Parliament to enact, that the like shall be Treason for the future, but only prayeth God to keepe him from giving judgement of death on any man, or of ruine to his innocent posterity upon a Law made a* Posteriori. So that if his Lordship may be freed from this scruple of Conscience, there is hope that hee may change his opinion, and be brought *a Posteriori*, to declare his agreeing in judgement with himself, and the so much greater part of the House of Commons. And that I shall now hope to doe by shewing him a fallacy in the second, and last ground of his Argument.

The fallacy lyeth in this, that his Lordship doth divide those things in his consideration which God hath joyned, and in doing this, will needs

needs be wiser then the State, and Lawes hee liveth under, which no man ought to be, unlesse they thwart the Law of God. This hee doth where he saith; *There is in Parliament a double power of life and death by Bill, a Judiciall power, and a Legislative, that the measure of the one is what is legally just, of the other what is prudentially, and politiquely fit for the good and preservation of the whole, but these ought not be confounded in judgement, we may not piece up want of legality with prudentiall fitnesse.*

And truly if his Lordship had but added these words, *Except some Cases as yet wholly omitted, or not yet sufficiently declared, come to be judged in Parliament*, I should have fully assented to his whole discourse in this point; But in either of those Cases to deny unto that representative Body, the High Court of the Kingdome a liberty to doe any thing not unjust in it selfe (though not as yet legally declared to bee just) for the preservation of that greater body it represents, when according to the sincere, and dispassionate judgement of Prudence, and Policy, it cannot be sufficiently secured by Lawes already made, is neither agreeable to the Law of Nature, nor of the Land, nor of God, nor to a rule of his Lordships owne.

Not to the law of Nature, which, in any case where the safety of the whole commeth into question, doth not bind it selfe from ordering, in the great world, that light things shall de-

 scend,

scend, heavy ascend. In the little, that the whole man upon consultation shall consent to the cutting off, of a gangrened hand, or foot, though the former bee contrary to that Axiomon Law, whereby elemental bodies are governed in their motions; And the latter against that dictate of Nature, which inclineth each member to have a compassionate care of the preservation of another so strongly, that except in a like case, no part, nor the rest of the whole may, nor can consent to such a mutilation.

Nor to the Law of the Land, For in that very Statute of 25. *Edw. 3. Cap. 2.* whereby Treasons were first declared, there is a passage which doth quite overthrow his Lordships distinction, and rules squared to his present purpose, as is yet plainer by divers subsequent Statutes. If I understand English, and there be no more but that, and a little right reason requisite to understand Statute law, as there ought to bee, I will here transcribe the severall passages, wherein I observe, that some or all of the latter Statutes are repealed, but that is not materiall to the purpose for which I cite them.

*25. Ed. 3. Cap. 2. And because that many other like Cases of treason may happen in time to come, which a man cannot thinke nor declare at this present time: It is accorded, that if any other Case supposed Treason, which is not above specified doth happen before any Justices, the Justices shall tarry without giving to judgement of the Treason, till the Case be shewed,*

ed, and declared before the King, and his Parliament, whether it ought to be judged Treason or Felony.

1. Rich. 2. Cap. 9. And that the Statute shall extend and hold declaration and interpretation, what be judged or declared for these foure points of the said Treason in this present Parliament, as of them which shall be judged or declared in the Parliament in time to come of Law for the future points of Treason afore said.

8. Hen. 6. cap. 6. And that this ordinance extend as well to such burnings made after the first day of the raigne of our Soveraigne Lord the King till this time, as to burnings to be made in time to come.

22. Hen. 8. cap. 9. And that the said Richard Roose, for the said murther and poysoning of the said two persons, as is aforesaid, by authority of this present Parliament shall stand and be attainted of High treason. And because that detestable offence now newly practised and committed, requireth condigne punishment for the same. It is ordained and enacted by Authority of this present Parliament, that the said Richard Roose shall therefore be boyled to death. His offence was poysoning a Pot of Pottage.

By all which I conceive it to be cleere as the Noon-day, that the Parliaments of England, have heretofore as now, used to looke backward as well as forwards, if the occasion required it. And so, that his Lordships distinction, hath no ground in the Law of the Land.

And truely it hath little in the Law of God.

For

For in that we reade, that *Moses* and *Aaron*, and all the Congregation, to whom the man that was found gathering sticks on the Sabbath day was brought, at first indeed did only put him in ward, because it was not yet declared what should be done to him. But when it was declared, they then stoned that same man to death for that former fact by a Law made *posteriori*.

The very same proceeding was held with the sonne of the Israelitish woman, whose Father was an Egyptian for blaspheming or cursing, for he was also stoned to death *per furcas*; and a generall Law declared upon the occasion, that as well the stranger, as he that is borne in the Land, when he blaspheme th the name of the Lord shall be put to death.

This furnisheth an Answer to the Objection I have heard made to the former Instance, that the gatherer of sticks on the Sabbath, was put to death by a speciall direction from God, which may no more bee drawne into example now, then *Abrahams* going about to sacrifice his Sonne.

For, not to divert into that Question, whether that Declaration of God Almightie, ought to have beene a direction to the Jewes to punish the breach of the Sabbath with death, which for ought appeares, was not so understood by them, unlesse *Psal.* [illegible] threatnings *Heb.* 13. 31. may be taken in that sense. Plainly

duly conceive, that by the generality of the Law, which ordained, that Blasphemy should be punished with death, it is plain, that also execution of that Mungrell Egyptian Law, for that sinne was not extraordinary. And from both those Instances, that by the example of the God of Heaven, it is clear, that for the Assembly of Gods in Earth to put offenders to death for Crimes deserving capitall punishment, though committed before they were declared to be such. And to any end, so much may also be gathered from that famous place, *Deut.* 17. 9. 12. which I refer to further consideration.

Last by his Lordships owne Rule in his speech for the Tyrannicall Parliament, is this, *That the King can of his owne head, or motion, not be trusted with the sword, but by his Parliament, no more than the Parliament can be trusted with the purse, for the redress of grievances.* For it is both known, that if any man how great soever, doe become a publique grievance, That is to say, a dangerous and insupportable Minister to the State, those Eastern Monarchs doe not use to stand upon punctilios of Lawes made, or to be made, no not so much as upon the formalities of legall proceedings; Wherein there is by some more either right, or favour shewed to the Lord *Strafford* by the King and his Parliament, then I believe ever was to any Minister of State whosoever, whose wealth would be sufficient to buy his Majesties [illegible]

I know well what may be replyed by some others, not by the Lord *Digby* of the dangerousnesse of this last mentioned doctrine of his, and as sensible thereof as another man: But I do humbly conceive, that there is yet more danger in the Lord *Digbies* forementioned doctrine. And that all that is in the last recited (tho also as I think more conformable to the Law of the Land) may be prevented by some good Ordinances, otherwise needful to be made, which is an argument I must not digresse into here.

In summe I hope even this is plain, that instead of the Prayer his Lordship made, it had been more needfull for him, to have prayed to God to keepe him from making that motion, where God in his providence hath made none, which his Lordship knoweth is not well pleasing to God, and must needs have observed to have been the originall of many great divisions, and combustions in the Church, and so might now have been, in this State, if God of his mercy, and by his over-ruling power had not prevented it, contrary to his Lordships prudentiall judgement, who I perceive would be have found a wrong Father for those feared distractions of the Kingdome.

Or if all I have yet said be not enough, del this suffice, that the Lord *Digby* himself, not only in a former speech made before he altered his mind, but in this very discourse doth clearly allow,

allow of any very kind of proceeding, which he would faine seeme to disallow.

For after all the expression of his tenderneſſe of conſcience in this point, even his Lordſhip notwithſtanding ſaves, that laying aſide the Bill of Attainder, the Houſe could finde of ſome other fault enough ſufficient to take from the Lord of Straffords head, and life. Which words ſayours had not only beene to condemne him *poſteriori* to worſe then death, That is, either to have lived in perpetuall imprisonment, or to have become an ignominious fugitive, and vagabond, after hee had beene branded by the Houſe of Commons, but his Lordſhip, and by his moſt ſacred Majeſtie in ſuch a manner, as might well have put the ſame thoughts into him, that every one that met him would have killed him, which made *Cain* cry out, That his punishment was greater then he could beare; But for ought his Lordſhip hath expreſſed, the Bill he moved for, might have drench'd as deep to the ruine of his innocent poſterity as the Bill of Attainder.

Nay, I pray tell mee, how but by a Law *poſteriori* could his Lordſhip have condemned the Lord *Strafford* of high treaſon, as he hath profeſſed that hee ſhould and might have done with Innocence, if that of the Iriſh Army had beene proved to his underſtanding. For I doe not know whether as the caſe may bee put, *theſe words* touching the Iriſh Army, had beene

trea-

treason, as yet declared by the Statute of 25 *Edw* 3. But if they be, then I am sure the former words are a much valler treason.

And to leave no leafe of his Lordships defence unexplicated, his reason drawne from the *marking of a house infected with the plague*, being the Law in other words with the Lo. *Strafford* taken from a boy, is of a little new, but no force at all. For under favour, these comparisons shew no more, but that no action in it selfe indifferent, (such as that the old Rhetoricians make use of, the going up to the top of the wals of a Towne or Garrison) ought to bee made capitall to any man that had no knowledge of that Law, which I allow to bee good reason. But I am sure his Lordship will not allow, that the Lord *Strafford* was charged with any such slight Article, and much lesse that the result of them all is a matter of indifference, or such a one to which the Lord *Strafford* could plead ignorance of the heinousnesse of the crime. For there is no man capable of committing the treason for which hee hath suffered, but must needs know, That as the safety of the people is the supreme Law, so the attempting to introduce any new forme of government, without their consents, especially an Arbitrary and Tyrannicall one, is the greatest wrong can be done, and the highest Treason can bee committed against a State.

And sure Sir *Thomas Wentworth* who (as the

Lord

Lord [illegible] hath noted in his forecited speech for the Parliament) were the men that [illegible] in the House of Commons first moved for the inserting of that clause in the Petition of Right, *that by your Majesties [illegible] it will graciously please you to suffer your faithful and loyall subjects to injoy your Royall will and pleasure, that in the things concerning all your Officers and Ministers they may serve you according to the Lawes and Statutes of this Realme, as becometh the honour of your Majestie, and prosperity of this Kingdome*; was not ignorant of the greatnesse of this offence: If the Lord *Wentworth*, and the Lord *Seaford* were, as indeed a man may well think they were, that in their Sober [illegible] observe, that they no sooner were admitted to the honour of being in the number of his Majesties Officers and Ministers, but they began and so continued to abet the great miscarriages and violences of all the heads of the same Petition of Right, in the Kingdomes of *England*, or *Ireland*, and of most of them in both; [illegible]

I cannot observe any thing more in the Lord *Digbies* speech, that without wrong to his judgement may be thought to bring [illegible] not to the [illegible] life; But I hope the [illegible] may give a little light [illegible] in other things, [illegible]

zeale that became me, I shall henceforth with

æquanimity expect to see what grounds there was of the Lord *Straffords* hopes, that hee may hereafter appeare leſſe guilty of the death hee died, then as yet he doth to me.

And though in the later I have uſed neceſſary freedome in expreſſing my preſent conceits of the Lord *Digbyes* Reaſons, yet I reſerve a thought that the weakneſſe may bee in my own underſtanding, and that though of my ſelfe I am not, yet by his Lordſhip I may be made capable of them, being one that hath his eminent abilities in no leſſe admiration then any other whatſoever.

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FINIS.

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reasonably expect to see what grounds there
was of the Lord Stafford's hopes, that hee may
hereafter appeare liable guilty of the death hee
died, then as yet he doth to me.

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rily some in exspecting my present concerns
of the Lord Digbyes Reasons, yet I reserve a
thought that the weakness may bee in my own
understanding, and that though of my selfe I
am not, yet by his Lordships I may be made
capable of them, being one that hath
his eminent abilities in no lesse
admiration then any other
whatsoever.

FINIS.

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# Mr. Jervis Hollis speech the 26 of April 1641.

Mr. Speaker, I have with much difficulty perswaded my selfe to offer any thing in mine owne Title to this Reckoning, yet since I have adventured to rise, I shall take the Libertie with your Favours to deliver my selfe freelie; I have a blunt way in speaking my Heart, it may be peradventure a Follie in me, but it is a folly I love so well, I will not part with it:

Sir, we are now upon the 1st Article of the Scots, which, as it was expressed by a Noble Ld at the Conference, is a verie pregnant, and seeming Article, it hath produced manie other, and they such, as I must confesse and affirme, whatsoever Fucus or Artifice they be sleighted over with, I do not like their countenance: They may well be our younger brother Scotland, but like Jacob, they seeme to me, as if they had an ime to supplant us, and take away our birthright.

Sir, There is no man that hath a more charitable construction of Intentions then I had, whilest they made their addresses in humble distance, as befitted Subjects to their Soveraigne; whilest they bounded their desires within the due Limits of their Ancient Liber:=ties, and seemed to wish nothing but the iust free:=dome of Subiects and Christians in their Lawes and Consciences my heart went along with them, and

and I wished them satisfaction; But now Sr when I see them swell in their demands beyond all proportion, when I heard them indeare upon their first propositions, and require things unfit for a King to grant, and dishonourable for this Nation to suffer, I cannot but fixe a marke of danger upon them, I feare we have nourished in our bosoms those that will sting us to death.

Here being interrupted, yet the House commanding him to goe on he saide as followeth.

Sir, I am sorrie for this Interruption, much more sorry if I have given a cause for it, for the clearenes of my owne thoughtes acquit me; I brought no Intentions here but such as were full of Fidelity and zeale for the service of this House, and my Countrey, and shall allwaies; And now if you please to comaund me to expresse my selfe like an Englishman, and an honest man, I shall proceede, otherwise I shall testify my obedience in my silence.

Then he was comanded to proceede, which was as followeth.

The miseries and calamities which this poore Kingdome hath thus long suffered, have hung like weights upon my soule, and I have groaned under the oppression for it was a greate one; But these as they call them

them propositions, I must call them Comands and I feare they will prove so: They threaten yet more, it is to unmane us quite, and leave us in a condition of all others most despiseable: For these appeare to me like the demands of Naash to the men of Jabesh putting out our right eyes.

Sir, our Ancestors have not beene acquainted with so much tameness as to heare of such demands at distance, and it cannot but trouble me; that we should not onely meete them at the halfe way, but embrace the bearers.

Sir, we are the offspring of those Ancestors, their bloud runnes in our veines, and I hope as yet is not all turn'd to water, there are the Spirits of life and activity in us, and these will revive and Speake plaine English to us what ever Dampe or Apoplexie this Spirit of slumber hath cast upon us, and I hope we shall either get live with Honour, or take our Honourable Farewell, and so be honest and gallant men, betwixt these two there is not much difference.

Therefore Sr my humble motion is this, That these Propositions may be committed to a Select Comittee to consider of, which carrie reason and modestie with them, that they may be presented here, as fitting to be granted, and that those which are of another Insinuation may be rejected: And if our firme peace may be had upon honest and honourable termes, I will cherish the thoughts of

of it, if not, there are but two wayes left worthy the Entertainemt. of this Nation, that is, to stand or fall with honour.

God I hope, and our English vertues will secure the first, if otherwise, he is neither worthy of life, nor memory, that shall not bury himselfe in the ruines of his Countree.

For this Speech by Consent of the House he was expelld the House for this Sefsion.



# Mr. GRIMSTONS SPEECH, IN THE HIGH Court of PARLIAMENT.

2d. 5
Grimstone
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LONDON,
Printed for *Thomas Walkely*
and are to be ſold at his ſhop at
the flying Horſe neare
*Yorke* Houſe.
1641.

Mr. GRIMSTONS

# SPEECH,

IN THE HIGH

Court of PARLIAMENT.

BRITISH MUSEUM

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Temple Bar.

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# Mr. GRIMSTONS SPEECH,

## In the High Court of PARLIAMENT.

Mr. SPEAKER.



These Petitions which have bin now read, they are all Remonstrances of the generall and universall grievances and distempers that are now in the State and Government of the Church and Commonwealth, and they are not them alone: But his Majesties gratious Expressions the first day

of Parliament, that calls me up to ſpeake at this preſent, contrary to my owne intentions.

Mr. Speaker, his Majeſty, who is the head of the body politique, and the Father of the Common-wealth, hath complained firſt, declaring his ſenſibleneſſe of our ſufferings, and amongſt other things, hath put us in mind of our grievances, and hath freely left it to our ſelves (for our redreſſe and repaire therein) to begin and end, as we ſhall thinke fit. And this drawes me on with much cheerfulneſſe and zeale to contribute my poore indeavours to ſo great a worke.

And Mr. *Speaker*, I conceive it will not be altogether impertinent for your direction and guidance in that great place, which by the favour of his Majeſty, and this Houſe you now poſſeſſe, a little to recollect our ſelves in the remembrance of what was done the laſt Parliament, and where we ended.

It will likewiſe be very conſiderable what hath bin done ſince that Parliament, and who they are that have bin the Authors and Cauſers of all our miſeries and diſtractions, both before and ſithence.

Mr.

Mr. *Speaker*, the last Parliament, as soone as the House was setled, a Subsidiary aid and supply was propounded, and many Arguments used to give the precedence before all other matters and Considerations whatsoever.

On the other side, a multitude of Complaints and Grievances of all sorts; aswell concerning our Eternall as our Temporall estates were presented and put in the other ballance: The wisedome of that great Councell waighing both indifferently, and looking not onely upon the dangers then threatned from SCOTLAND (which are now upon us) but likewise taking into their consideration the Condition and Constitution of the present government here at home, concluded that they were in no capacity to give, unlesse their grievances were first redressed and removed.

For Mr. *Speaker*, it then was, and still is, most manifest and apparent, that by some judgements lately obtained in Court of Justice, and by some new wayes of Government lately started up amongst us; the Law of property is so much shaken, that no man can say he is master of

of any thing: But all that we have, we hold as Tenants by courteſie, and at will, and may be ſtripped of it at pleaſure.

Yet Mr. Speaker, deſirous to give his Majeſty all poſſible ſatisfaction and contentment, aſwell in the manner of ſupply for expedition, as in the ſubſtance and matter of it, we confined and limitted our ſelves but to three particulars onely, and to ſuch matters as properly and naturally ſhould have reference and relation to thoſe 3. heads.

1. *The firſt was the priviledges of Parliament.*
2. *The ſecond mattees of Religion.*
3. *The third, the propriety of our goods and Eſtates.*

And we began with the firſt, as the great Arke, in which the other two, Religion and property are included and preſerved.

Mr. *Speaker*, the violations complained of the laſt Parliament, touching our priviledges, were of two ſorts; either ſuch as had bin done out of Parliament.

Concerning the violations of the firſt ſort, it was reſolved by vote, that the *Speaker* refuſing to put a queſtion, being thereunto required by the Houſe.

Or

Or to adjourne the house upon any command whatsoever, without the consent and approbation of the House it selfe; were breaches and violations that highly impeached our priviledges.

And having passed the vote, I conceive it were fit we should now proceed a little further, and consider of a way how to be repaired against them that have beene the violators: For Execution does *animare Legem*. The putting of an old Law in Execution, you know Mr. *Speaker*, does oftentimes doe more good then the making of a new one.

As concerning the violations of the other sort, done out of Parliament in Courts of Justice, and at the Counsell board, where neither our persons nor our proceeding ought to have bin controlled or medled withall; And as concerning matters of Religion, and the property of our goods and estates, there were divers things then likewise agreed upon by vote, whereupon a conference was desired to have beene had with the Lords:

But what interjections and rubs we met withall by the way, and how the Lords countervoted the precedency of our grievances. And how our Speaker was taken away from amongst vs, and what an vnhappy concluſion we had at the laſt. The remembrance of it were a ſubject too ſad to begin another Parliament withall.

Therefore Mr. Speaker, I ſhall paſſe from what was done the laſt Parliament and come to what hath beene done ſince that Parliament ended.

Mr Speaker, there are ſome worthy Gentlemen now of this houſe that were members of the laſt Parliament, that carried themſelves in the matters and buſineſſes then and there agitated and debated, with great Wiſedome and vnexampled moderation. But what had they at laſt for all their paines in attending the publique ſtrince of the Common-wealth, As ſoone as ever the Parliament was ended, their ſtudies and pockets were ſearched as if they had beene Felonies and Traytors, and they committed to ſeve-

rall Goales with an intention I am confident of their vtter ruine and destruction, had they not fore-seene a danger approaching; For Mr. *Speaker*, if I be truely informed an information was drawne, or at least, directions given for the drawing of it, against them in the Starre-Chamber.

Mr. Speaker, there hath beene since the last Parliament a Synod, and in that Synod a new Oath hath beene made and framed, and enjoyned to be taken.

Mr. *Speaker*, they might as well have made a new Law, and enjoyned the execution of that, as enjoyned and vrged the taking of the other, not being established by Act of Parliament and in point of mischiefe, the safety of the Commonwealth, and the freedome and liberties of the Subiect are more concerned in the doing of the one then if they had done the other.

The next exception I shall take to it, is to the matter contained in the oath it selfe.

Mr. Speaker, they would have us at the very first dash sweare in a damnable Heresie, that matters necessary to salvation are contained in the Discipline of our Church.

Whereas Mr. *Speaker*, it hath ever bin the tenet of our Church, that all things necessary to salvation are comprehended and contained in the Doctrine of our Church onely; And that hath alwaies been vsed as an Argument vntill this very present, against *Antidisciplinarians*, to stop their mouthes withall; And therefore that for that reason they might with the lesse regret and offence conforme and submit themselves to the Discipline of our Church.

And Mr. Speaker, for prevention in case the Wisedome of the State in this great Counsell, should at any time think fit to alter any thing in the government of our Church, they would anticipate and forestall our judgements, by making vs sweare before-hand, that we would never give our consent to any alteration.

Nay Mr. Speaker, they goe a little further, for they would have vs sweare that the government of the Church by Archbishops, Bishops, Deanes, Archdeacons, &c. is *Iure divino*, Their words are, *as of right it ought to stand*; Whereas Mr. Speaker, we meet not with the name of an Archbishop, or a Deane, or an Archdeacon in all the new Testament; And whatsoever may be said of the Function of Bishops it is one thing: But for their Jurisdiction it is meerely *Humana institutione*, and they must thanke the King for it.

As for their grosse, absurd, &c. wherein they would have mensweare they know neither what, nor how many fathome deepe: There is neither Divinity nor charity in it, and yet they would put that upon vs: But Mr. Speaker, what they meant and intended by this new Oath, and their booke of Canons, and their booke of Articles, which they would have our Church-wardens sworne vnto, to enquire of, and to present thereupon, I must confesse I know not, vnlesse they had

had a purpose therein to blow up the Protestant Religion and all the faithfull professors of it, and to advance their Hierarchie a step higher which I suppose wee all feare is high enough already.

Mr. Speaker, they have likewise in this Synod granted a benevolence, but the nature of the things agrees not with the name, for in plaine English it is six Subsidies to be paid by the Clergie in six yeares: And the penalty they have imposed upon the refusers, for non payment, is to be deprived of their Functions, to be stripped of their free-hold, and to be excommunicated, and this Act of their Synod is not published amongst their Canons, for which they might have some colourable seeming authority: But it comes out in a Booke alone by it selfe in the Latine tongue, Supposing as I conceive that Lay-men are as ignorant as they would have them; And thus they thinke they dance in a Net

And

And as in this, ſo in moſt of their new Canons if they be throughly conſidered, any Judicious man may eaſily diſcerne and perceive, that they doe therein like *Water-men* that looke one way and rowe another, they pretend one thing but intend nothing leſſe; And certainly Mr. *Speaker* in this they have flowne a high pitch; For a Synod called together upon pretence of reconciling and ſetling Controverſies and matters in Religion to take upon them the boldneſſe thus out of Parliament to grant Subſidies and to meddle with mens freeholds, I dare ſay the like was never heard of before, and they that durſt doe this will doe worſe if the current of their raging Tyranny be not ſtopped in time.

Who are they (Mr. *Speaker*) that have countenanced and cheriſhed Popery and Arminianiſme to that growth and heigth it is now come to, in this Kingdome?

Who are they (Mr. *Speaker*) that have given

given incouragement to those that have boldly preached those damnable Heresies in our Pulpits.

Who are they (Mr. *Speaker*) that have given authority and licence to them that have published those Heresies in print?

Who are they (Mr. *Speaker*,) that of late dayes have beene advanced to any dignity or preferment in the Church, but such as have beene notoriously suspitious, in their Disciplines, corrupt in their Doctrines, and for the most part, vitious in their lives?

And who are they (Mr. Speaker) that have overthrowne our two great Charters *Magna Charta*, and *Charta de Forresta*?

What imposition hath bin laid down or what Monopolie hath bin damned in any Court of Justice since the last Parliament.

Hath not ſhip-money, Coale and conduct money, and money for other military charges, bin collected and leavied, with as great violence as ever they were, in violation of our liberties, confirmed unto us in our Petition of Right; notwithſtanding all our ſupplications and complaints the laſt Parliament.

And who are they Mr. *Speaker*, that have cauſed all thoſe dangerous Convulſions, and all the deſperate unnaturall bloudy diſtempers, that are now in our body politique?

Mr. *Speaker*, I will tell you a paſſage: I heard from a Judge in the Kings-Bench. There was a poore man committed by the Lords, for refuſing to ſubmit unto a project, and having attended a long time at the Kings-Bench barre, upon his *Habeas Corpus*; and at laſt preſſing very earneſtly to be bailed. The Judge ſaid to the reſt of his brethren, come Brothers (ſaid he) let us baile him, for they begin to ſay in the Towne, that the Judges have overthrowne the Law, and the Biſhops the Goſpell.

Mr. *Speaker*, I would not be misunderstood in what I have said; for there are some of both, functions and professions, that I highly honour & reverence in my heart, for their wisedomes and integrities. But Mr. *Speaker*, I may say it; for I am sure we have all felt it, that there are some of both functions and professions, that have bin the Authors and causers of all the Miseries, Ruines, and Calamities that are now upon us.

Mr. *Speaker*, This is the Age; This is the Age (Mr. *Speaker*) that hath produced and brought forth the *Achitophells, Hammans Woolsies, Empsons, and Dudlies, Tricilians, and Belknapps* Vipers and Monsters of all sorts. And I doubt not, but when his Majesty shall be truely informed of such matters, as wee are able to charge them withall; we shall have the same Justice against these, which heretofore hath been against their Predecessours, in whose wicked steps they have trodden.

And therefore Mr. Speaker, to put our selves into a way for our redresse and relieſe, I conceive it were fit that a Committee might be named to take

take theſe Petitions, that have now beene read, and all others of the like nature into their conſiderations, to the end, that the parties grieved, may have juſt repaire for their grievances; and that out of them, Lawes may be contrived, and framed for the preventing of the like miſchiefes, for the future.

FINIS.

MUSEUM

# SIR IOHN HOLLAND HIS SPEECH in Parliament.

Declaring the great and manifold Grievances of this Kingdome, both in Church and Common-wealth.

Occasioned by the wicked practises and Arbitrary power of the disturbers and subverters of our Peace, our Liberties, and our Lawes.

Published by a true Copie.

LONDON, Printed for *John Thomas*, 1641.

SIR

# JOHN HOLLAND

HIS

SPEECH in Parliament

Declaring the Grievances and Miseries

Occasioned by the wicked practises and Arbitrary power of the diffarbers and Subverters of our Peace, our Liberty,

BRITISH MUSEUM

Published at the Command

LONDON, Printed for

# SIR JOHN HOLLANDS SPEECH IN PARLIAMENT.

Mr. *Speaker*,

TImes of *Action*, are not for *Rethorick* and *Elocution*, which emboldens me to riſe, and although I cannot but know and acknowledge my ſelfe, to be one of the youngeſt Schollers, & meaneſt Proficients, in this great Schoole of wiſdome; yet I cannot but thinke it part of my duty at this time, to deliver both my ſenſe, and Conſcience; which I ſhall doe (under the favour of this Honorable Aſſembly) with all ſincerity.

We are called hither (Mr. *Speaker*) by the Kings Regall power, We ſit here by his Majeſties Grace and favour, And ſince his Majeſty have beene ſo graciouſly pleaſed, to entruſt the government of all in our hands, I doubt not, but we ſhall lay ſuch a foundation, in the beginning of this Parliament, that wee ſhall make it a happy and long lived one; Since the Eminent dangers of theſe times; the preſent diſtem-

pers of this State, and herein, both his Majesties and our owne necessities, yea, and the Kingdomes safety too, requires it.

Sir, it appeares by the Report you have so faithfully made of his Majesties gracious Declaration, that we are now called hither for these foure principall Causes.

1. *For the supply of his Majesties present wants.*

2. *For the reliefe of our Brethren in the Northerne parts.*

3. *For the remove of the Scotch forces;* And

4. *For the redresse of our owne Grievances.*

That his Majesties wants are great and many Sir, I thinke there is no man doubts it, and it is as certain, our Grievances are so too;

They are great and many; as well in the Church as the Common-wealth; I shall but touch them in either, in regard they have already been remonstrated in both.

*In the Church*; By the Usurped power and practise, of some *Prelates* and their Adherents.

By which meanes, many great, many dangerous Innovations, of *Doctrine*, of *Discipline*, of *Government* have beene thrust upon us.

*In the Church*; By the publique sufferance of *Priests* and *Jesuites*, not onely to come, but to abide in the Land.

By which meanes, the Number of *Romish Catholiques* are dangerously multiplyed.

Idolatry increased and Gods heavie Judgements, highly provoked.

*In the Common-wealth*; By the late and great inundations

dations of the *Prerogative Royall*, which hath broke out and almoſt overturned all our liberties, even thoſe that were beſt and ſtrongliest fortified. The *Grand-Charter* it ſelfe (Sir) That, which hath been ſo often, ſo ſolemnly confirmed, in the ſucceſſion of ſo many Princes, ratified in the beginning of his Majeſties Raigne, Founded by the wiſdome of former ages, purpoſely to keepe the Beame even and right between *Soveraignty* and *Subjection*; Even this (Mr. *Speaker*) the choyce and deareſt part of our Inheritance, have been infringed, broken, and ſet at nought.

*In the Common-wealth.* By the over-potency of ſome few Great-ones, ſecreat *Counſellours* of State, from whoſe adviſes ('tis thought) the greateſt part of thoſe diſtempers, vnder which the body of this Common-wealth at this time labours derives their originalls.

*In the Common-wealth.* By the miſchievous practiſes and policies of many and ſubtile *Projectours*, who under the title of the Kings profite, and the publique good, have raiſ'd to themſelves large revenues, and that by the dammage of the whole Kingdome.

They are (Sir) the very Mothes and Cankers that have fretted and eaten our all Trade, all Commerce, the very Beauty, ſtrength, health and life of this famous Iland.

*In the Common-wealth*, By the long and large entertainment of *Forrainers* and *ſtrangers*, and that at his Majeſties exceſſive charges; By which meanes. His Majeſties Coffers are emptied, his Revenues ſhortned and the Kingdome many other wayes oppreſſed.

But (Sir) I ſhall travaile my ſelfe no further in this

ſo large, ſo wide a field, but ſhall now onely crave fa-
vour to preſent you with mine owne weake apprehen-
ſions for our progreſſion in thoſe particulars for
which we have beene called, and in all humility ſub-
mit them.

*And, Firſt in the ſupply of his Majeſties wants.*

J doe humbly deſire we may proceed therewith, in
its due time, and then, with as much loyalty, duty,
and liberality, as ever people expreſt towards ſo good
a Prince. And truly Sir, J thinke I may with confi-
dence ſay the preſent affaires of the Kingdome re-
quires it.

*In the Reliefe of our Brethren in the Northerne parts;*
With a ſenſe of Charity and fellow-feeling of their
miſeries, afflictions and loſſes.

*In the remove of the* Scotch *Forces.*

With a ſoft and tender hand, of Mediation, Paci-
fication, and Reconciliation, if poſſibly it may bee
wrought, with his Majeſties Honour and this King-
domes ſafety; If not? And that they ſhall ſtill re-
fuſe to depart in Peace. Then (Mr. *Speaker*) to re-
pell and expulſe them, with ſtout and reſolute Spi-
rits, with valiant and united Hearts and Hands, ſuch;
as ſhall beſt ſuite with our duty to God, our King,
our Country, ſuch, as ſhall beſt become the Honour
and ancient Renowne of the Engliſh Nation.

*In the Redreſſe of our Grievances.*

Jn thoſe of the Church, which ought to have pri-
ority in our Conſultations, as well in reſpect of nece-
ſſity, as dignity; *A Iove Principuum*, In theſe I de-
ſire Sir, and J doubt not but wee ſhall proceed, with
all true Piety, well tempered and right guyded zeale,
towards God, his *Houſe*, his *Truth*.

*In*

*In these of the Common-wealth*; With a Religious care of our Countries freedome, in the faithfull performance of that trust reposed in us, by those that sent us, in the preservation of our *Rights*, our ancient *Rights*, the *Rights* of our Inheritances.

Our *Liberties*, our *Priviledges*, our *Proprieties*.

Yet in all Sir, I doe humbly desire we may proceed, as best suiting with the Nature, and condition of these troublesome times; as best becomming the *Honour*, *Dignity*, and *Wisedome* of this so great a Court, so great a Counsell, with all *Temper*, *Modesty*, and due *Moderation*.

FINIS.

An Occasionall

# SPEECH

MADE TO THE

HOVSE OF COMMONS

this Parliament, 1641.

*Against Bishops.*

BY

Sir JOHN WRAY, Knight and Baronet.

*Being none of the 8. Speeches before published.*

LONDON,
Printed for IOHN NICHOLSON. 1641.

# An Occasional SPEECH

MADE TO THE

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Sir John Wrai, Knight and Baronet.

BRITISH MUSEUM

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Sir JOHN WRAYES

# SPEECH

concerning BISHOPS,

1641.

THe first chalenge for Lordly Primacie hath of old beene grounded out of the great Charter, by which they hold an Episcopall primacy of Iurisdiction to belong to their state of Prelacie: this is their temporall foundation and maine object. Here I demand of them unto what Church this great Charter was granted, and whether it were not granted unto the Church of GOD in *England*? Let the words of the *Magna Charta* decide this

which are these; *Concessimus Deo pro nobis in perpetuum, quod Ecclesia Anglicana libera sit, & habeat omnia Jura sua integra & libertates suas illæsas.* Now by this Charter, if it bee rightly interpreted, there is first provision made, that honour and worship be yeelded unto GOD, as truly and indeed belong unto him.

Secondly, that not only such Rights and Liberties as the King and his progenitors, but also that such as God had endowed the Church of *England* with, which God himselfe hath given by his Law unto the universall *Church*, and in that which the Kings of *England* by their *Charter* have bequeathed to the particular Church of *England*, and this we doubt not was the cause that moved *Hen.* 8. so effectually and powerfully to bend himselfe against the Popes Supremacy, usurped at that time over the Church of *England*, for, saith the King, we will with hazard of

life

life and losse of our Crowne uphold and defend in our Realmes whatsoever we shall know to be the will of God.

The Church of God then in *England* not being free, according to the great *Charter*, but in bondage and servitude to the *See* of *Rome*, contrary to the Law of God, the King judged it to stand highly with his honor, and his Oath to reforme, redresse, and amend the abuses of the same *See*.

If then it might please our gracious Soveraign Lord King *Charles*, that now is, in Imitation of that his noble Progenitor to vouchsafe an abolishment of all Lordly primacy executed by Archepiscopall & Episcopall authority over the Ministers of *Christ*, his Highnesse in so doing could no more rightly be charged with the violatiō of the great *Charter*, then might K. *Henry* the 8. with the banishment of the Papish Supremacy, or then our late Soveraign Lady Q. *Elizabeth* could be justly burdened

with the breach of her oath by the establishment of the Gospell. How if the Kings of England by reason of their oath were so streightly tyed to the words of the great Charter, that they might not in any sort have disanulled any supposed Rights, or Liberties of the Church chused & confirmed by the said Charter in the Church, that then was supposed to be the Church of God in England, then belike K. Henry 8. might have attempted & have gone against the great Charter & against his oath, when by the overthrow of Abbeys and Monasteries he took away the Rights and Liberties of the Abbots and Priors, for by expresse words of the great Charter, Abbots and Priors had as large and ample a Patrimony for their Rights and Liberties, as our Archbishops and Bishops can at this day challenge for their Primacy.

If then the Rights and Liberties of the one, as being against the Law of God, be duely & lawfully taken away,

notwithstanding any matter, clause or sentence contained in the great Charter, the other having but little reason by colour of the great Charter to stand upon their pantables, and to contend for their painted Sheaves, for this is a Rule and Maxime in Gods lawes; that *In omni Iuramento semper excipitur authoritas majoris.*

Vnlesse then they be able to justifie by the holy Scriptures, that such Rights and Liberties, as they pretend for their spirituall Primacy over the Ministers of Christ, be in deed & truth inferred unto them by the holy law of God, I suppose the Ks. Highnesse (as successor to *H.*8. and as most just inheritour of the Crowne of *England*) by the words of the great Charter, and by his oath, is bound utterly to abolish all Lordly Primacy, as hitherto upheld and defended, partly by ignorance and partly by an unreasonable and evill Custome.

FINIS.

FINIS.

# A SPEECH OF VVilliam Thomas ESQVIRE, IN PARLIAMENT

In May, 1641.

Being a ſhort View and Examination of the Actions of Biſhops in Parliament, from *Anno Dom.* 1116. to this preſent of 1641. in the ſeverall Reignes of 23. Kings and Queens of this Kingdome of England, &c.

*In all and each of their times it is made to appeare they have been moſt obnoxious to Prince and People, and therefore that it is not fit or convenient that they ſhould continue members of that Honourable Houſe, in which they have beene ſo diſloyally and traiterouſly affected to Regality,*

*And no leſſe miſchievous and pernicious to Church and Commonwealth.*

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Printed at London by *Tho. Harper*, 1641.

MUSEUM

# A SPEECH OF WILLIAM THOMAS ESQVIRE.

I Have formerly ſpoken of the preſent Church government, by Archbiſhops, Biſhops, &c. Declaring the corruption and unſoundneſſe thereof, and how farre degenerate, if not contrary to the pure Primitive, Apoſtolicall inſtitution: Alſo I have touched a little of the other parts, as how unlawfull it was for them to intermeddle in temporall affaires, to uſe civill power, or to ſit as Iudges in any Court, much leſſe in the Court of Parliament, where they paſſe cenſure and judgement not onely of our lives and liberties, but on the Eſtates and inheritance and blood, as of us, ſo of our poſterity: And as this is unlawfull by the Divine Law, ſo by the Canons of the Church, yea of this Church, and Acts of Parliament of this Realme, (whereof I ſhall further enlarge my ſelfe in my enſuing diſcourſe:) So hath their ſitting there beene prejudiciall and obnoxious to Kings and Subjects. Now I deſire briefly to declare when and how the Biſhops came to be members in the Parliaments in the Houſe of the Lords, and by what meanes they continued their ſitting there; becauſe preſcription is much inſiſted upon: although long uſage (as King *Iames* truly delivereth) confirmeth no right, (if unlawfull originally, or at convenient times interrupted.) And whereas it hath beene demanded why the firſt of our reaſons, *viz.* that it hindreth Eccleſiaſticall vo-

cation was not urged 600. yeares agoe. I anſwer, There was then no cauſe; for the firſt beginning of Parliaments was not 74. yeares after. But if this had beene delivered of the lawfulneſſe and conveniency of their intermedling in temporall affaires, I ſhould have replyed that it hath beene declared not onely 600. but 1600. yeares agoe, and in each century ſince. But ſuppoſing and granting that it was meant of ſuch Parliaments as were before the Conqueſt, you ſhall finde that above 600. yeares agoe the Prelates are charged (by their intermedling in ſecular affaires) to neglect the office of Epiſcopall function. For this we read: The Clergy altogether were unlearned, wanton, and vicious, for the Prelates altogether neglected the office of Epiſcopall function, which was to tender the affaires of the Church, and to feed the flocke of Chriſt, lived themſelves idle and covetous, addicted wholly to the pompe of the world, and voluptuous life, little caring for the Churches and ſoules committed to their charge.

Hollinſhead.

Rand. Higden Policron. lib. 6. cap. 24.

And if any (ſaith *Higden*) told them that their lives ought to be holy, and their converſation without covetouſneſſe, according to the ſacred preſcript, and vertuous example of their Elders, they would ſcoffingly put them off with a

*Nunc aliud tempus alii pro tempore mores.*

Thus, ſaith he, they plained the roughneſſe of their doings with the ſmoothneſſe of their anſwers. Briefly, they were ſo looſe and riotous (ſaith *Gervaſius* of Canterbury) that they fell ſo faſt to commit wickedneſſe, as to be ignorant of ſinfull crimes, was then held to be a great crime it ſelfe.

Gervaſius Dorobernenſis.

William Malmsbury.

And the Clergy (ſaith *Malmſbury*) contenting themſelves with triviall literature, could ſcarcely hack and hew out the words of the Sacrament. *Robert* was then Archbiſhop of Canterbury, who inſtigated King *Edward* the Confeſſor againſt his mother queene *Emma*, charging her with incontinency with *Alwyn* Biſhop of Wincheſter, (obſerve how one Locuſt ſtings another) which ſhe waſht away, and cleared her ſelfe of by a ſharpe tryall of fire, *Candentes*

W. Malmſbury.

*ferri*,

*ferri*, being put (according to the Law *Ordalium*) to cleare her ſelfe, by paſſing nine Plough-ſhares, glowing red hot, bare-footed and blind-folded, which ſhe did without hurt. And as this Biſhop had charged the queene his mother with incontinence, ſo did he likewiſe the queene his wife *Edith* or *Egith* with adultery; but no leſſe untruly and unjuſtly, then maliciouſly and envjouſly, as ſaith *Malmeſbury*, ſhee being a Lady incomparable, as for beauty, ſo for vertue, in whoſe breaſt there was a Schoole of all liberall Sciences. And the like teſtifies *Ingulphus*, that had often conference with her, that as ſhe was beautifull, and excellent well learned, ſo in her demeanour and whole courſe of life, a virgin moſt chaſte, humble, and unfainedly holy, milde, modeſt, faithfull, and innocent, not ever hurtfull to any. And doe we not reade that about the yeare 1040. that Biſhop *Alfred* had his hand deepe in the murder of Prince *Alfred*, who, having his eyes inhumanely put out, lived not long after, in torment and griefe: Some ſay he died by a more horrible kinde of cruelty, as his belly was opened, and one end of his bowels faſtned to a ſtake, his body pricked with ſharp poniards, till all his entrailes were extracted, in which moſt ſavage torture he ended his innocent life. Theſe Biſhops little regarded Eccleſiaſticall vocation or function, but worldly pompe and courtly rule. They cannot bee at aſſemblies of States and Parliaments, but their neglected flock muſt be ſtarved; theſe feed not their hungry ſheepe, but hunger to feed on them; and this care of the world volves them in a world of cares. What hath beene ſpoken of thoſe Biſhops, I wiſh had not been delivered of other latter Prelates, wherein I crave leave to ſpeake what others write. That they are growne to that height of idleneſſe (the mother of ignorance and luxury within themſelves) and by reaſon thereof, in contempt and baſe eſtimation with the people, that it is thought high time that blood ſhould bee drawn from their ſwelling veines: I will not (though perhaps I might) ſay with them, that the Commonwealth hath little uſe of ſuch (I mean of over Lordly Biſhops) but for that they are ſo far degenerated from the Primitive inſtitution, I

W. Caxton.

wish there were reformation, I speake not of demolishing, but of amendment and restitution, and untill it appeare that the whole is unsound, I shall not assent to utter extirpation or eradication. Thus much I have made bold to deliver, though not in due place, nor in any purpose to plead against those or any of them that have declared themselves to bee of contrary opinion: I am not ignorant of my disability to enter the lists with any, or to contend with such Worthies in this or other argument: but I hope there will not be denied to me leave and liberty to declare the cause and reason of my vote in this house, in which I have the honour to sit as a member: and if I have erred, I have beene mis-led not onely by learned Fathers and Divines, by Synods and generall Councels, but by great Lords and Barons, yea by the whole Peerage of these Kingdomes of England and France: *Peter* Lord Primandy and Barree, who writ the French Academy, and dedicated the same to *Henry* the 3. King of France and Poland, in that booke and chapter of the causes that bred change, saith, that Bishops and Prelates neglecting their charge to bestow their times in worldly affaires, grew to misliking and contempt, have procured great offences, and marvellous trouble, which may more easily be lamented then taken away, or reformed, being such abuses as have taken deepe root. And what he affirmeth did the Peeres of France unitely deliver, That Bishops should follow Saint *Peters* steps, to winne soules, and not to meddle with wars, and murder of mens bodies.

But to come neere and to speake of this Kingdome of England, let us heare what the English Lords did declare; we read that they did decree in the time and reigne of King *John*, that Bishops should not intermeddle in civill affaires, or rule as Princes over their Vassalls, and the reason is renderd; for *Peter*, (say they) received no power but onely in matters pertaining to the Church: and further enlarging themselves, use these words: It appertaines not to Bishops to deale in secular affaires, since *Peter* onely received of our Saviour a power in matters Ecclesiasticall: what (say they) hath the Prelats to entermeddle with wars,

such

ſuch are *Conſtantines* ſucceſſors, not *Peters*, whom as they repreſent not in good actions, ſo neither doe they in authority: Fie on ſuch Raſcal Ribaulds, the words in *Paris* are *Marcidi Ribaldi*, how unlike are they to *Peter* that uſurpe *Peters* place? But this point of intermedling in ſecular affaires (though I have often digreſſed) and intermingled with the former parts, is proved in its proper place to bee unlawfull (*viz.*) in that part that treateth therof, craving pardon for this deviation, I will purſue the preſent argument (the obnoxiouſneſſe of their ſitting in Parliament) and come to the points I intended to inſiſt on (*viz.*) the entrance of Biſhops into the Parliament houſe, and by what meanes they came there and continued: That they have ſate there from the firſt Parliament to this is not denied: But as we are not now to conſider *an fuerunt*, but *an profuerunt*, ſo are we not to debate and diſcuſſe *an factum*, but *an fieri debuit*, for it was the argument of a Pagan (*viz.*) *Symmachus* to the Emperor *Theodoſius* recorded by Saint *Amb. ſervanda eſt tot ſeculis fides noſtra, & ſequendi ſunt majores noſtri qui ſecuti ſunt felicitur ſuos.* Our religion which hath continued ſo many yeares is ſtill to be retained, and our anceſtors are to bee followed by us who happily traced the ſteps of their forefathers, but (with *Tertullian*) *nullam volo conſuetudinem defendas*, if good, no matter how ſhort, ſince, if bad, the longer the worſe; Antiquity without truth (as ſaith *Cyprian*) is but ancient error. The firſt Parliament (as I reade) began 1116. or thereabouts, and in the ſixteeneth or ſeventeenth yeare of King *Henry* the firſt, who being an uſurper, brought in by the Biſhops to the diſheriſon of *Robert* his elder brother, admitted the ſaid Biſhops to be members of the ſaid high Court, partly ingratefulneſſe, but rather for that he durſt not doe otherwiſe: for was not *Rolfe* the then Archbiſhop of Canterbury ſo proud and inſolent a Prelate, that was read of him, that when *Roger* Biſhop of Salsbury was to celebrate the Kings Coronation by reaſon of the pallie of the Archbiſhop, this cholerick outdaring Prelate could hardly be intreated by the Lords, to withhold his hands from ſtriking the Crowne

from

Eadmerus. from the Kings head: Of ſuch ſpirits were theſe ſpiri-
tuall Prelates, and the jealouſie to loſe their pom-
Matth Paris anno 1119. pous preheminence of honors, yet had he no other reaſon
for this his ſaucines and bold attempt, but for that *Roger* did
not this by his appointment. At the ſame time *Thurſton* was
Archbiſhop of Yorke, who, though a diſloyall and perjured
Polichron. l.7. c.15. man by breach of his oath to the King, yet was hee highly
favoured and countenanced by the Pope, and put into that
See by him, in diſpite of the ſaid King. And as hee, ſo the
reſt of the Biſhops (not leſſe guilty, nor much leſſe potent)
were likewiſe admitted members of that high Court; and to
ſpeake plainly, how could he ſpare their being in that houſe
who were to juſtifie his title to the Crowne?

K Stephen. Now paſſe we to King *Stephen*, another uſurper, nephew
to the former King *Henry*, him (though he had an elder bro-
ther, and before them both the title of Anjou by his wife
*Maud* the Empreſſe, as alſo of his ſon *Henry* to precede) the
Matth. Paris. Biſhops did advance to the Royal Throne, no leſſe perfidi-
ouſly then traiterouſly, having formerly ſworne to *Maud*
the Empreſſe. We are alſo to underſtand, that the Biſhop of
Wincheſter was his brother, a very potent man in the State;
and it is worthy our noting, that the Biſhops did endeavour
H. Hunting-ton. to ſalve their diſloyalty and perjury, by bringing in the Sa-
licke Law to this Kingdome, traiterouſly avowing, that it
was baſenes for ſo many and ſo great Peers to be ſubject to
a woman: Nay, it ſeemeth the Biſhops did not intend to be
true ſubjects to him, though a brave and worthy Prince,
(had his title to the Crowne been as good as the Prelates at
Wendover. his election did declare:) for read we not that the Biſhops of
Salisbury, Lincolne, Ely, and others, did fortifie Caſtles a-
gainſt him, and advanced to him in armed and warlicke
manner: nay, did not his brother, the Biſhop of Wincheſter
Paris. forſake him, and in a Synod of Clergie accurſed all thoſe
Malmsbury. that withſtood the Empreſſe *Maud*, bleſſing all that aſ-
ſiſted her. Surely this curſe ought to have fallen on him-
ſelf and the Archbiſhop, who did trouble the Realm, with
fire and ſword. Sure as theſe were too great to bee put out
of Parliament, ſo were they very dangerous therein. Vnto

*Stephen*

*Stephen* ſucceed *Henry* 2. In this time *Thomas Becket* was Archbiſhop of Canterbury: what his demeanour toward his Soveraigne was, and what miſchiefe was by him occaſioned to the Kingdome, would take too much time to declare; and though ſome Papiſts that adore him for a Saint, will ſay, he reſiſted on juſt cauſe, yet I will deliver what I read, and render him with the Chronicles, an Arch-trayter, and tell you that the Doctors in Paris did debate whether he were damned for his diſloyalty, *Rogerus* the Norman avowing, that he deſerved death and damnation for his contumacie toward the King, the Miniſter of God. From him I paſſe to his ſonne *Richard* the firſt, who had two brothers that were Biſhops, the one of Dureſme, the other of Lincolne, and after Archbiſhop of Yorke, and going to the holy Land, appointed for Governour of the Kingdome, *William Longchampe* chiefe Iuſticiar, and Lord Chancellour of England, and Papall Legat.

H. 2.

Cæſarius Dial. lib. 8. c. 69.

Bale Brit. Cent. 2.

R. 1.

Fox p. 289.

This Viceroy, or rather King (for ſo *Paris* calles him) *Rex & Sacerdos*, had joyned with him *Hugh* Biſhop of Dureſme for the parts beyond Humber. This Kingly Biſhop (as Authors deliver) did uſe incredible inſolence and intollerable tyranny, and commit a moſt ſacrilegious and barbarous out-rage upon the perſon of *Ieffery*, Archbiſhop of Yorke, and naturall brother to K. R. the firſt; for which afterwards (being taken in a Curteſans apparrell and attire, *velut delicata muliercula*) hee was baniſhed the Realme. Now as it was very difficult to turne ſuch Papall Biſhops and *Regulos* out of Parliament: ſo certainly ſuch Lord Biſhops did there worke no little miſchiefe to Regall power, the ſubjects liberties, and the weale publick. Certainly this was not the duty and office of a Biſhop; ſurely the Silke and Scarlet Robes of Princes and Iuſticiars, were as undecent for theſe Biſhops, as was the coat of Iron of the Biſhop of Beavois, taken priſoner by this King, which hee ſent to the Pope, with a *vide an tunica filii tui ſit, an non*: to which hee made anſwer, That he was not his ſonne, nor the ſonne of the Church. For hee had put off the peaceable Prelate, and put on the warlicke Souldier, tooke a Shield in ſtead of a

Paris, Hoveden, & alii. Guil. Nubr. l. 4. c. 14. Hovedon. Nub. l. 4. c. 17. Hovedon p. 399.

Matth. Paris. Hollin. in R. 1.

Cope, a Sword for a ſtole, a Curace for an Albe, a Helmet for a Miter, a Lance for a Biſhops ſtaffe, perverting the order and courſe of things. Thus we ſee that a Biſhop muſt deſtroy mens lives either as a Iuſticiar in Court, or as a Souldier in Camp. *Qui ſi non aliqua nocuiſſet mortuus eſt*, they will doe any thing but what they ought to doe (*Feed the Flocke*;) they deſire rather to ſit in Parliament then ſtand in a pulpit, accounting preaching (according to B. *Iuel*) ſo far below their greatneſſe, as indeed it is above their goodneſſe. We neither deny or reject Epiſcopacy or Church government it ſelfe, but the corruptions thereof: and we ſay, that the Biſhops who ſtiffely maintained thoſe corruptions, have inforced this our diſtaſte.

When *Iacob* was forced to depart from *Laban* for ill uſage, I conceive that the breach was in *Laban*, not in *Iacob*.

So alſo thoſe that did forſake Babylon (God commanding to depart from it) leſt they ſhould be partakers of their puniſhment, as they were guilty of their crimes, did not occaſion the ſchiſme or breach, but the ſinnes of Babylon: And we confeſſe, that true it is, that we refuſe and forſake the preſent Church government, but no further then it hath forſaken pure and primitive inſtitution, therefore let none ſay that wee are deſirous of innovation: for I thinke we may boldly with the fore-named reverend Biſhop *Iewel*, affirme, *Nos non ſumus novatores*.

K. John.

From K. R. I come to K. *Iohn*, an uſurper likewiſe, who was advanced to the Regall Throne by Archbiſhop *Hubert* and the Prelates. This lewd Biſhop unjuſtly declaring this and all other Kingdomes to bee elective, and that no man hath right or fore-title to ſucceed another in a Kingdome, but muſt be by the body of the Kingdome thereunto choſen, with invocation of grace and guidance of Gods holy Spirit; alledging further, and that (moſt plainly) by example of *David* and *Saul*, that whoſoever in a Kingdome excelled all in valour and vertue, ought to ſurmount all in rule and authority; and therefore they had all unanimouſly elected *Iohn* (firſt imploring the Holy Ghoſts aſſiſtance)

M. Paris. Hiſt. major.

Mr.

ſtance) as well in regard of his merits, as royall blood. And thus the Biſhops blanch their diſloyall aſſertion with ſacred Writ, and their lewd deviſed plot with the holy Ghoſts aſſiſtance. Hereby they rejected the juſt Title and hereditary ſucceſſion of *Arthur* his elder brothers ſonne. And as he did this diſheriſion unjuſtly and diſloyally, ſo did hee this election lewdly and fraudulently, as himſelfe after confeſſed, when being demanded the reaſon of his ſo doing, he replied, That as *Iohn* by election got the Crowne, ſo by ejection upon demerit, he might loſe the ſame; which after he did endeavour to his utmoſt, and at laſt effected by depriving him of life and kingdome. Let me not be miſconceived, I know *Hubert* died eight or ten yeares before him, but what he did begin and forward, was furthered and purſued by *Stephen Langton*, and other Biſhops and Prelates, too long to rehearſe. His other brother being Archb. of York, a ſtrange example, ſaith *Malm.* to have a King ruled by two brethren of ſo turbulent humours. Many of th ir treaſonable acts and diſloyalties, I will omit, and paſſing by as well particular Biſhops and Prelates, as *Stephen* Archdeacon of Norwich, and others, as alſo of them in the generall, I will onely relate one villanous paſſage of traiterous diſloyalty; whereof (as good Authours deliver) the Archbiſhops and Prelats were principall Abetters and Conſpirers. The King being at Oxford, the Biſhops and Barons came thither with armed multitudes without number, and forced him to yeeld, that the government ſhould bee ſwayed by twenty five ſelected Peeres. Thus one of the greateſt Soveraigns was but the ſix & twentieth petty King in his owne dominions, &c. To him ſucceeded his ſonne, K. H. 3, who being at Clarkenwell in the houſe of the Prior of S. *Iohns*, was told by him no leſſe ſaweily then diſloyally (if I may not ſay trayterouſly) that he ſhould be no longer King then hee did right to the Prelates. Whereto hee anſwered: What? doe you meane to deprive me of my Kingdom, and afterward murder me, as you did my Father? And indeed they performed little leſſe, as ſhall hereafter appear. But now to take the particular paſſages in order. In this

Matth. Paris. R. Hovedon. Girald Cam. who called him, Principio fœnum.

Paris.

H. 3.

Kings reigne *Stephen* then Archbiſhop of Canterbury, as we read, was the Ring-leader of diſorders both in Church and State; and no better was *Peter* Biſhop of Wincheſter. But not to ſpeake of them in particular, but of them all in generall, and that in Parliament at Oxford thus wee read, To the Parliament at Oxford, ſaith *Matth. Paris*, and *Matth. Weſtm.* came the ſeditious Earles and Barons with whom the Biſhops Pontifice's (*ne dicam Phariſei*, thoſe were his words) had taken counſell againſt the King, the Lords annointed, who ſternly propounded to the King ſundry traiterous Articles, to which they required his aſſent; but not to reckon all the points, you ſhall heare what the ſame Authours deliver of their intent, I will repeat the words as I finde them. Theſe turbulent Nobles, ſaith *M. Weſt.* had yet a further plot then all this, which was firſt hatched by the diſloyall Biſhops, which was, that foure and twenty perſons ſhould there bee choſen to have the whole adminiſtration of the K. and State, and yearly appointment of all great Officers, reſerving onely to the King the higheſt place at meetings. *Primus accubitus in cœnis*, and ſalutations of honour in publicke places. To which they forced him and his ſonne Prince *Edward* to ſweare for feare (as mine Authour ſaith) of perpetuall impriſonment, if not worſe: for the traiterous Lords had by an edict threatned death to all that reſiſted. And the perfidious and wicked Archbiſhop and Biſhops, curſing all that ſhould rebell againſt it: which impudent and traiterous diſloyalty (ſaith *Matth. Paris*, and *Matth. Weſtm.*) the Monks did deteſt, asking with what fore-heads the Prieſts durſt thus impaire the Kingly Majeſty, expreſſely againſt their ſworne fidelity to him.. Here we ſee the Monks more loyall and honeſt then the Lord Biſhops: wee have caſhiered the poore Monkes, and are we afraid of the Biſhops Lordlineſſe, that they muſt continue and ſit in Parliament, to the prejudice of the King and people? And ſo we may obſerve, that this traiterous Biſhop did make this King as the former had done his father, meerely titular.

M. Paris. M. Weſtm.

From him I paſſe to his ſon *Edward* the firſt: In his reigne *Boniface* was Archbiſhop of Canterbury and Brother to the

Queen,

Queene, what he and the reſt of the Prelats did in preju-dice to the regall authority and weale publique I will paſſe over, the rather for that they declare themſelves in his ſons reigne ſo wicked and diſloyall that no age can parallell, of which thus in briefe; doth not *Thomas De la More* call the Biſhop of Hereford Arch plotter of treaſon, *Omnis mali Architectum*, and not to ſpeake of his contriving the death of the late Chancellour, and other particular villa-nies, he is branded together with Wincheſter then Chan-cellour, and Norwich Lord Treaſurer, to occaſion the De-throning of this Prince: nay, after long impriſonment, his very life taken away by Biſhop *Thorltons* ænigmaticall verſe (though he after denied it) *Edwardum occidere nolite timere bonum eſt.* But this, *Adam de Orleton, alias Torleton*, and his fellow Biſhops in this Kings reigne, I may not ſlightly paſſe over: Therefore I deſire wee may take a fur-ther view of them. Firſt of this *Adam* Biſhop of Hereford, we finde that he was ſtript of all his temporalties, for ſup-porting the *Mortimers* in the Barons quarrell. Hee being (ſaith *Thomas de la More*) a man of moſt ſubtile wit, and in all worldly policies profound, daring to doe great things, and factious withall, who made againſt King *Ed-ward* the ſecond a great ſecret party. To which *Henry Bur-waſh* Biſhop of Lincolne (for like cauſes deprived of his temporalties) joyned himſelfe, as alſo *Ely* and others, *Wal-ter Stapleton*, Biſhop of Exeter, a turne-coat, left the Queen and came to England to informe the King of his Queenes too great familiarity with *Mortimer*, which after coſt him his head. Perhaps ſome now (as *Thomas de la More*) will ſay, he was therein a good man; yet I will take leave to thinke, nor doe I feare to ſpeake it, This was no part of E-piſcopall function. But I will paſſe him by, not concluding him either good or bad, every man may thinke as hee plea-ſeth, I will declare the traiterous and diſloyall actions of the other Biſhop formerly mentioned. This Biſhop of Hereford, whom I finde called the Queens boſome Coun-cellour, preaching at Oxford, tooke for text, *My head, my head aketh*, 2 *Kings*, 4. 19. concluding more like a Butcher

then a Divine, that an aking and ſick head of a kingdome, was of neceſſity to be taken off, and not to bee tampered with by any other phyſicke, whereby it is probable, that he was the authour of that ænigmaticall verſe formerly recited, *Edwardum occidere, &c.* And well may wee beleeve it; for we finde that he cauſed *Roger Baldock*, Biſhop of Norwich, the late Lord Chancellour, to die miſerably in Newgate. Not much better were Ely, Lincolne, Winchester, and other Biſhops that adhered to the Queene, *Martium* and others of her part. Nor can I commend thoſe Biſhops that were for the King and the *Spencers*. The Archbiſhop of Canterbury, and his Suffragans, decreeing the revocation of thoſe peſtilent Peers, the judgemen given againſt them judged as erroneous. Thus theſe Lord Biſhops, as all in a manner, both before and after, in ſtead of feeding the flock of Chriſt only, plotted diſmall warres, death and deſtruction of Chriſtians. I might tell you how in this Kings reigne, as in others, they perſwaded the Lords, and Peeres of the Realme, that they had power and right not onely to reform the Kings Houſe and Councell, and to place and diſplace all great Officers at their pleaſure, but even a joynt intereſt in the regiment of the Kingdome, together with the King. And now will any ſay, *No Biſhop no King*: yet one word more before I part with theſe Biſhops: What ground-worke they layd, and what meanes they uſed for the ruine of King and Kingdome, was it not their working upon the impotence of a womans will, inſinuating what indignity it was, that a ſhe daughter of France, being promiſed to be a Queene, was become no better then a waiting woman, living upon a penſion; and ſo nouriſhing in her great diſcontents, perſwaded her going to France, which was the matter and Embrion, and as I may ſay, the chiefe cauſe of common deſtruction, which after enſued. God keep all good Princes from hearkning or conſenting to the pernitious counſels of ſuch peſtilent Prieſts, and prating Paraſites. To declare all their diſloyalties in Parliament, and out, would fill a large volume. But now *Brevis eſſe laboro*, therefore I onely ſay, that as it was not for their goodneſſe, but greatneſſe, that they ſate in Parliament,

ment, so their sitting there did (I thinke I may say) almost evert Monarchy, yea Regality: with what face can they inculcate that aspersion, *No Bishop, no King?* Certainly, by what I have already delivered, and shall now declare in the reignes of succeeding Princes, it will appeare quite contrary, that where Lordly Bishops dominiere and beare rule and sway, neither Kings nor Kingdoms, themselves or subjects are secure.

Now to the reigne of King *Edward* the third, did not *John* Archbishop of Canterbury perswade and incite this King and the Parliament, to a most dangerous warre with France, whereby the death of millions hath been occasioned. To such mischiefe doe they use their learning and eloquent Orations in Parliament. What *Epiphanius* delivered of Philosophers, that they were *In re stulta sapientes*, so may we say of such Bishops, that they are *In malo publico facundi*. But to passe by particular men and actions, I shall only deliver unto you some notable passages in Parliament *Anno* 1371. The Parliament did petition the King to have them deprived of all Lay Offices and government, they being commonly the plotters and contrivers of all treasons, conspiracies and rebellions, the very incendiaries, pests and grievances both of the Church & State, the chiefest instruments to advance the peoples usurped authority, though with prejudice of the kings (which they never cordially affected) and the Arch-enemies of the Commonwealth through their private oppression, covetousnesse, rebellion and tyranny, when they have been in office, as may appeare by *Antiquitates Ecclesiæ Britannicæ*, in the lives of *Anselme*, *Becket*, *Arundel*, &c. Here we see, that they never affected the authority of Kings, but rather were scourges to their sides, and thornes in their eyes.

Now wee come to *Richard* the second, his grandchilde R. 2. who succeeded him: we read that when in Parliament in London the Laity had granted a fifteenth, on condition that the Clergie would likewise give a tenth and a halfe; *William le Courtney* then Archbishop, did stiffly oppose it, alleaging, they ought to be free, nor in any wise to be taxed by

ed by the laity, which anſwer ſo offended the Lords and Commons, that with extreame fury they beſought the King to deprive them of their temporalties, alleadging that it was an almeſdeed and an act of charity, thereby to humble them; that was then deliverd for an almeſdeed and an act of charity, which is now accounted ſacriledge and cruelty.

Tho. Walſingham.

H. 4.

The next that ſucceeded him, was *Henry* the fourth, but an uſurper alſo, for at that time there were living of the houſe of Yorke others whoſe right by the title of *Clarence* was before his as *Mortimer*, &c. In oppoſition to his claime and right, the Biſhop of Carlile made a moſt eloquent oration; but to what purpoſe? to perſwade his dethroning now veſted in the regall government; and therby to engage the Kingdome in a civill warre, (which when his oratory could not effect) he laboured and ſo farre prevailed, that by his ſubtile inſinuations, and perſwaſions many Princes of the bloud royall and other great Lords were drawne to a conſpiracy, himſelfe laying the plot, (and together with the Abbot of Weſtminſter, the chiefe wheele of all the practice, as moving the reſt) for the Kings death whereby he brought to the block thoſe noble Peeres, and as his peſtilent counſell had infected their minds, ſo was the bloud of them and theirs, tainted by this foule treaſon; but as I diſcommend his diſloyall actions, ſo I no better approve the other flattering and timeſerving Biſhops, who did pleade the right of the title of the ſaid King more eloquently then honeſtly, more rhetorically then divinely; for which their expreſſions they were imployed as Embaſſadours to forraigne parts to declare and juſtifie his title and right to the Scepter; the Biſhop of Hereford to Rome, the Biſhop of Dureſme to France, the Biſhop of Bangor to Germany, and the Biſhop of St. Aſaph to Spaine; which Biſhop of Aſaph ſate as Iudge in that Parliament and pronounced the ſentence of depoſition againſt King *Rich.* The forme (as neare as I remember) was: We *John* Biſhop of St. Aſaph, *John Abbot* of Glaſtenbury, Commiſſioners, named by the houſe of Parliament, ſitting

Heyward.

Ioh. Stow ex anonymo Hal Cron.

Ioh. Stow. annall. Hal ex Tho. Walſingh.

in

in place of judgement, &c. Here you may note that the Bishop did passe judgement of a great inheritance, no lesse then two or three Kingdomes, and though not betweene two brothers, but cosins, yet did adjudge most wrongfully, as was most apparant. I note withall, that the title of Lord is not assumed by this King-deposing Bishop, nor any other that I reade of. Now what hee had judged in Parliament his holy brother of Canterbury must make good in Pulpit, delivering, What unhappinesse it was to have a childe either of age or discretion to be a King, and what felicity it was to a Kingdome to have it governed by a man. Certainly a most dangerous position to an hereditary Monarchy. I also note that this Archbishop was brother to the Earle of Arundell, and at the same time the Archbishop of Yorke a neare kinsman to the Earle of Wiltshire; and who durst then plead against the right of the Bishops sitting in Parliament? Fabian 1. concor. Hall ex Fab.

In the same Kings reigne *Richard le Scroope* the Archbishop of Yorke, did in Parliament enter into conspiracy with *Thomas Mowbray* Earle Marshall, against the said King, for which they were both beheaded; I say the Archbishop as well as the Earle Marshall had his head cut off, I iterate it, because some have doubted whether an Archbishop may be beheaded. And now in the said Kings reigne, in the Parliament of Coventry, let me also tell you that in the said Parliament, as in other both before and after, a Bill was exhibited against the Temporalties of the Clergy, who called that Parliament *Parliamentum indoctorum*, saying that the Commons were fit to enter Common with their cattle, having no more reason then bruit beasts. This is *Speeds* delivery; but I take it that he repeateth it as the Prelates censure of the house of Commons.

But to him succeeded *Henry* the 5. in his time did not *Henry Chichley* in an eloquent oration in Parliament revive the warres with France, by declaring the Kings right thereunto, to the effusion of much Christian blood, and to the losse of all we had there? To expiate which, he built a Colledge in Oxenford, to pray for the soules slaine in France. H. 5. Hall in 8. R. 2.

Though what hee did then deliver was true of the Kings right to the Crowne of France (as was alſo the other of *Iohn* Archbiſhop of the ſame See in *Ed.* 3. time, and no leſſe true was that of Carlile againſt *Hen.* 4. title:) Yet I may ſay it was not the office or function of a Biſhop to incenſe warres domeſticke or forraigne. Nay this Biſhop did ſet this warre on foot to divert the King from reformation of the Clergy. For in that Parliament held at Leiceſter there was a petition declaring that the temporall lands which were beſtowed on the Church were ſuperfluouſly and diſorderly ſpent upon hounds and hawkes, horſes and whores, which better imployed would ſuffice for the maintenance of 15. Earles, 1500. Knights, 6200. Eſquires, an hundred Almeſhouſes, and beſides of yearly rent to the Crowne 20000. pounds.

H. 6. Fox Mart. in H. 6.

From him I come to his ſonne *H.* 6. I reade many accuſations that Glouceſter the good protector did lay to the charge of *Beaufort* the Cardinall of Wincheſter, and Lord Chancellor, great uncle to the King living, ſonne to *Iohn* of Gaunt, alledging him a perſon very dangerous both to the King and State; his brother of Yorke a Cardinall alſo, together with the other Biſhops no better. For wee reade of Archbiſhop *Bourchier* and other Biſhops, that they did ſhamefully countenance the diſtraction of the time. Theſe as I delivered before, though bad in Parliaments, yet too great to put out, I will not now ſpeake of many other particulars, that I might either in this Kings reigne, or his ſucceſſors to King *H.* 8. for that I deſire to declare what they did ſince the reformation, yet therein will be as briefe as I may, having already too much provoked your patience, for which I crave humble pardon.

E. 4.

To *Henry* the ſixt ſucceeded *Edward* the fourth who indeed had the better title to the Crowne, notwithſtanding Archbiſhop *Nevill* Brother to the King-make-*Warwick* with others, did conſpire and attempt his dethroning, and after tooke him priſoner, and kept him in his Caſtle of Midleham; and after in Parliament at Weſtminſter, did they not declare him a traitor and uſurper, confiſcate his goods,

goods, revoke, abrogate, and make frustrate all Statutes made by him, and intaile the Crowne of England and France upon *Henry* and his issue male, in default thereof to *Clarence*, and so disabling King *Edward* his elder Brother?

But to hasten, I will passe over *Edward* the fift, whose Crowne by meanes of the Prelates as well as the Duke of Buckingham, was placed on the head of his murtherous Vnkle that cruell Tyrant; for had not the Cardinall Archbishop by his perswasion with his mother, taken the Brother *Richard* Duke of Yorke out of Sanctuary, the Crowne had not beene placed on his Vnkes head, nor they lost their lives; and not to speake of Doctor *Pinker*, and Doctor *Shaws* Sermons, and other foul passages of Prelates (as *Morton* & others) who sought also the destruction of K. *Richard*, and that when his Nephewes were dead, and none had right before him to the Crowne which he then wore; what disloyall long speeches made he to the Duke of Buckingham to perswade the said Duke to take the Crowne to himselfe? E. 5. Rich. 3.

From *Richard* I passe to *Henry* the seventh: I told you before that *Morton* would have perswaded Buckingham to dethrone King *Richard* the third, and take the Kingdome to himselfe, to which he had no right; and failing therein he adressed himselfe to *Henry* then Earle of Richmond, and as by his counsell he prevailed with him, so he prevailed against and wonne from *Richard* the garland; this perswader and furtherer of bad Titles was advanced to the See of Canterbury, his desire whereof perhaps caused his disloyalty, and being in high favour with this Prince by his speciall recommendations, procured one *Hadrian de Castello* an Italian to be be made first Bishop of Hereford, after of Bath & Wells, who also was made Cardinall, by that Antichristian and divelish Pope *Albert* the sixt; and as *Morton* had endeavoured the dethroning of his Lord and King, so did the other conspire the murther of Pope *Leo* the tenth, when hee was told by a Witch that one named *Hadrian* should succeed. H. 7. Godw. Catal. of BB in Bath, &c. pag. 309. Paulus Jovius.

As to *Henry* the eighth, I need not speake much of his

opinion of Biſhops, who he ſaith were but halfe ſubjects, if ſubjects at all to him, when he cauſed Sir *Thomas Audley*, Speaker, to read the oath of Biſhops in Parliament. And
Spede. that it was ſo, appeared when *Wolſey* and *Campeius* refuſed to give judgement for the unlawfulneſſe of the marriage of *Henry* the eighth, and thereupon a divorce: Whereupon the Duke of Suffolke ſaid, and that truly, It was never merry in England ſince Cardinall Biſhops came amongſt us. It were too large to repeate all the petitions, and ſupplications, and complaints of Divines againſt them, in this Kings
Barns ſupplic. & alii. Reigne, as of Doctor *Barnes*, *Latimer*, *Tindal*, *Beane* and others. This laſt named ſaith, that the Biſhops alone have the keyes of the Engliſh kingdome hanging at their girdles, and what they traiterouſly conſpire among themſelves, the ſame is bound and looſed in Star-chamber, Weſtminſter Hall, privie Councell and Parliament. This and much more hee. But as their ſitting there hath been obnoxious, ſo it is
Henry 8. 31. uſeles, as may appear by the Statute 31. *Hen.* 8. yet in force, where it is enacted, That as the then Lord *Cromwell*, ſo all other that ſhould thereafter bee made Vicegerents, ſhould ſit above the Archbiſhop in Parliament; nay, hold generall viſitations in all the Dioceſſes of the Realme, as well over the Archbiſhops, Biſhops, Archdeacons, as Laity, to enquire & correct their abuſes, to preſcribe Injunctions, Rules and Orders for reforming of religion, for aboliſhing of ſuperſtition and Idolatry, and correction of their lives and manners, &c. And read wee not that in the 37. of this Kings reigne, letters patents were granted to Laymen, to exercile
Henry 8. 37. all manner of Eccleſiaſticall Juriſdiction, as the Kings officers, not the Biſhops. Thus wee ſee the government of Biſhops as well as their ſitting in Parliament, may bee ſpared. And that they neither have, nor heretofore had any Eccleſiaſtical juriſdiction in making of Canons or Conſtitutions, but by the Kings Writ, nor promulge or execute any ſuch, without the Kings Royall aſſent and licence, under paine,
Henry 8. 25. appeares by the Statute of the 25. of the ſame King, upon the Clergies owne ſubmiſſive petition. And the Biſhops themſelves in the proſecution of this Act 1603. in the beginning

ginning of King *James* his reigne, did decree the ſame, and pronounce excommunication *ipſo facto* upon all or any that ſhould ordain or execute the ſame without Royall aſſent. Now you have ſeen their demeanor in Parliament for three or four hundred years, or thereabouts. The delivery hereof hath taken up much time, and perhaps thereby moſt are ſatisfied, that they have been hurtfull, and therefore that it is not convenient they ſhould longer continue members of that honourable Houſe, where they have done ſuch miſchiefe to King and Common-wealth: yet in regard of my promiſe, and undertaking to declare them prejudiciall from the firſt Parliament to this preſent, by teſtimony of credible authours in each Kings reigne, as alſo to meet with an objection which I conceive will be offered to make all that hath been proved, as extravagant, ſo invalid, That thoſe actions, practiſes, plots, conſpiracies, or treaſons, were done and perpetrated in time of Popery; and that it was done by Papall command, I will deliver their actions no leſſe deteſtable, nay rather more heynous after the reformation then before. In the ſeverall reignes of King *Edward* the ſixth, Queen *Mary*, Queen *Elizabeth*, King *James*, of bleſſed memory, and our preſent Soveraigne, whom God long preſerve. But I deſire I may bee rightly underſtood, that when I charge theſe reverend Biſhops that were very good men, chiefe pillars of the Church, great lights of learning, and charge them to have done thoſe things as Biſhops, which I beleeve they would not have done as private Miniſters; if (I ſay) I declare that they, to hold their Biſhoprickes, and in expectance of great preferment, and to pleaſe great Lords and Princes, Kings and Emperours, have not only yeelded to, but perſwaded to introduce Idolatry, to diſ-inherit the right heirs of Kingdomes, and force good Princes to doe acts unnaturall and unjuſt: Let me not be thought to ſpeake in depravation or detraction, I doe not intend their infamy (and ſo deſire to be underſtood) their memory ought to be dear to us all, and it ever hath been, and is precious in my eſteeme; but I thereby inſinuate, that corrupt Lordly Epiſcopacie hath an infe-

ction in it, tainting the pureſt Diuines and godlieſt Miniſters.

I pray you miſconceiue me not, I am not againſt Epiſcopacy, truly underſtood, or a Church-government rightly uſed, but I conceiue, and therefore (under correction) ſay, that it hath (with *Theſeus* ſhip) receiued ſo many new pieces and additions to the firſt building, that it doth juſtly occaſion a diſpute whether it be the ſame, little or nothing of the firſt ſubſtance and materialls remaining. So that wee haue Epiſcopall government in name, but want the ſubſtance; *Vox & præterea nihil*: With *Ixion* we imbrace but a cloud in ſtead of a *Iuno*, or (at beſt) but a bleare-eyed *Leah* in ſtead of a beautifull *Rachel*. This tree (I ſay) is almoſt rotten, this ſalt ſomewhat unſauoury, this light very dimme, this building ſcarce ſound or ſure, which (if propping will helpe) I would not haue demoliſhed, till a model of a better be agreed upon.

Ed. 6. Fox acts and Mon.

In King *Edwards* reigne did not the reuerend Biſhop (O griefe to heare (ſaith mine Authour) perſwade and ſubſcribe to the diſ-inheriting of the two daughters of *Henry* th 8. the ſiſters of his King, contrary to the Statute of the 35. of *Henry* the 8. as alſo in preiudice of the right of Scotland, *Margaret* being eldeſt ſiſter to *Mary*, grandmother to *Iames*, on whoſe head they would ſettle the Crowne; which plot I thinke I may ſay, wicked and diſloyall, if it had taken effect, in all likelihood, the bleſſed union of both Kingdomes had not enſued, which, as I ſaid before, was hindred by *Betton* Biſhop of Saint Andrewes in *Henry* the 8. time.

Io. Speed.

I haue not yet ſpoke any thing as to the point of Idolatry, the moſt wicked & higheſt degree of treaſons being againſt the King of Kings; did not the Archb. *Cranmer* and Biſh. *Ridley*, perſwade, nay earneſtly preſſe K. *Edward* the ſixth, that the Lady *Mary* might haue Maſſe ſaid in her houſe, and that to be done, without all prejudice of Law, the greatneſſe of her perſon being the immediate ſucceſſor, and the might of *Charles* the Emperor moued thoſe Biſhops too forword, and to farre urged this to the King, and from Diuines becomming Politicians, alleadged the dan-

ger in breach of amity with the Emperor, and when hee convincing them by ſcripture, and tould them he would rather hazard his life then grant that which was not agreeable to truth, they alledge the bonds of nature; at laſt tell him they would not be ſaid nay; this they offered, and thus farre they preſſed, although they could not preuaile with this pious Prince.

Theſe were not the baits that *Peter* angled with to catch ſoules, or the weapons that Saint *Paul* fought with when he profeſſed they were not carnall, but mighty through God to caſt downe holds, they propoſe not honour and ſecurity to Chriſts diſciples, but hazard and baſeneſſe. A moſt godly ſpeech of a good Chriſtian Prince, the like whereto I reade that King *Iames* uttered in his proteſtation made to *Watſon*, as he after confeſſed to the Earle of Northampton upon ſome occaſion offered: All the Crownes and Kingdomes in this world (ſaith he) ſhall not induce me to change one jot of my profeſſion, which is the paſture of my ſoule, and earneſt of my eternall inheritance. A pious ſpeech of a magnanimous King, whoſe memory ſhall ever bee juſtly bleſſed; and I doubt not but our gracious Soveraigne, as he holdeth his Kingdomes, ſo poſſeſſeth the like religious courage and conſtancy.

But to returne to our former Biſhops, *viz. Cranmer, Ridley*, &c. did they repent them of this upon better conſideration, and upon the death of this good King advance the title of the right heyre? Nothing ſo; for when queen *Mary* hearing that *Iane* her coſin was to be proclaimed queene, writ her letter to the Lord, declaring her owne right, and marvelling that they ſo unjuſtly attempted to put her from it, contrary to their loyalty, allegiance, and the Statute which had formerly ſettled the Crowne upon her; they (I meane the Biſhops as well as the Lords, for I finde Canterbury and Ely to have ſubſcribed) told her that ſhe had no right thereto, but ſhe muſt be queene, and ſhe muſt ſubmit her ſelfe to her as her Soveraigne. And what they writ did *Ridley* Biſhop of London preach. And though this was not done or ſpoken in Parliament, yet no man doubteth but if

Q Maries Letter to the BB. and LL. from Kenningall 9. July 1553.

Their anſwer from the Tower, die & anno prædict.

D. Ridley his Sermon at Pauls croſſe, defending Lanes title.

if it had been effected, they would have pleaded in juſtification thereof, and confirmed it as rightfull in the next Parliament that ſhould have been called. Now I have declared them diſloyall traytors, and moſt unjuſt and ungodly in theſe paſſages.

To paſſe from this Queen to the next, I finde that in the firſt yeare of good Queen *Elizabeth* there was a further reformation deſired; and what was then earneſtly preſſed by good Divines, as Doctor *Scorie*, *Cox*, Mr. *Iewel*, *Elmer*, *Grindal*, *Whitehead*, *Horne*, *Geſt*, was thus farre granted by that godly Princeſſe that there ſhould bee a conference at Weſtminſter; where being come, they were oppoſed by the Biſhop of Wincheſter, Lincolne, Lichfield, Carlile, and Cheſter, together with ſome others. Theſe Biſhops (ſaith mine Author *Stow*) abruptly broke off this conference, pleading a miſtaking of their directions: and in the next ſitting utterly refuſed either to write their owne, or to read the others reaſons, whereby all was undone that was intended, whereof part was imprinted by *Richard Iugge* and *Iohn Cawood*, as is to be ſeene: and this was in time of Parliament. Much more I might declare of Biſhops actions in this queenes time, as that the Biſhops at queene *Elizabeths* inauguration, did refuſe to anoint or conſecrate her (*viz.*) Yorke, (Canterbury dying a little before;) alſo theſe chiefe Biſhops denied the ſame, as London, Dureſme, Winchester, Ely, Lincolne, Exeter, Bath and Wells, Covenry and Lichfield, Chicheſter and Peterborough.

Jo. Stow pag. 1084.

But I haſten to concluſion. And as this vertuous Queene did yeeld that a diſputate ſhould bee had for reformation; ſo did the gracious Prince King *Iames* grant the like at Hampton Court, where were Doctor *Reynolds* and Doctor *Sparkes* of Oxford; and *Knewſtubs*, and *Chaderton* of Cambridge. Now who reſiſted the reformation? Sure none other but the Biſhop of Canterbury, Dureſme, London, Winchester, Chicheſter, Worceſter, Carlile and Saint Davids; and the Deanes of Weſtminſter, Windſor, Paules, Cheſter, Worceſter and Chriſtchurch, alledging that there was no need of reformation: But God and good men did know the

Conference at Hamptoncourt upon Thurſd. January 12.

con-

contrary; but I will not trouble you with their actions in this Kings reigne, their introduction of Schisme, Heresies, and Idolatry, of Popery and Arminianisme, and their hate of true religion to the Deity, mischiefe and danger to the King, and prejudice to the people and Kingdome, few or none within these walles but know them, and feele the harmefull fruits thereof; as for their actions in his Majesties reigne, which I thinke doe poyse downe and over-ballance all formerly done since the beginning of Parliaments, put together in the other Scale, I will referre them to the reports of the Committees for the Pope of Lambeth, and his Cardinalls *Wren* and others, and briefly conclude, That whereas from their first sitting in Parliament to this time, they have as well in Parliament as out, beene so prejudiciall, and appeared to have during their sitting there, plotted and contrived treasons and conspiracies, rebellion and war, domestick and forraigne, beene incendiaries and grievances to State and Church, and Arch-enemies to King and Common-weale, introducing Salique Law, making this Kingdome elective, and our Princes onely Kings *durante bene placito*, or rather *bene placito*, in worse case and lesse holden then a Duke of Venice, I hope his Majestie will *lege talionis* make their Episcopacie to bee onely titular, which is as much as is due to them, whether Archbishops or Bishops: for they are to have priority or precedencie, *quoad ordinem*, not *quoad ministerium*, wherein the poorest Curate is his equall and his fellow Minister. And as I am not for equality and parity, so I would not have too great a distance, the danger whereof to any Estate, I pleaded to heare, as I receive it from an Author formerly mentioned, in these words rendred:

Too much inequality and unproportionable growth, is a cause that procureth the change and ruine of Commonwealths. For as the body is made and compounded of parts and oughtmonsters by proportion, that is, good likely faire sutes; so every Commonwealth being compounded of

orders and estates as it were of parts, they must bee maintained in concord one with another, as it were with equall and due proportion observed betweene each of them. For if one estate be advanced too much above another, dissention ariseth, equality being the nursing mother of peace, and contrariwise, inequality the beginning of all enmity, factions, hatred, and part-taking. But seeing it is meet that in every well established policy there should be a difference of rights and priviledges betwixt every estate, equality may continue, if provision be made that one estate grow not too much before the other: but more of this elsewhere in its more proper place.

And as for these reasons, I yeelded my vote for the unlawfulnesse and inconvenience of their sitting there: therefore I wish they may be no longer members of that most Honourable House.

I humbly crave leave to adde a word or two to what I formerly spake.

I am not ignorant, that the foresaid assertion, *No Bishop no King*, is received as the delivery of King *James*: but thought it might be admitted in the sense he meant and intended, to wit, that those that dislike a Church-government will hardly admit Regall rule; yet we can no way allow thereof as it is commonly offered and pressed, that the Regall power cannot subsist without the present Episcopacy. Now, what that wise, learned, and religious King did conceive of the rules and tenents of Bishops and Prelates, how consonant to the majesty of temporall Princes, or whether he thought them rather to tend to the trampling thereof under foot, and laying their honour in the dust, may appeare by his quotations in the latter end of his Apology for the Oath of Allegiance, which I thought fitter to annex hereunto, then to have delivered them in the proper place, when I spake of Bishops in the reigne of *E.* 2. being then desirous to continue the Historicall narration of their sitting and

actions in Parliament, having too much transgressed by my so often enterweaving other passages therewith, I overpassed the same.

King *Iames* Collection out of Cardinall Bishop *Bellarmine* are as followeth:

1 *That Kings are rather slaves then Lords.* 1 De laicis ca 7.

2 *That they are not onely subjects to Popes, to Bishops, to Priests, but even to Deacons.* 2 De Pont. Rom. l. 1 cap. 7.

3 *That an Emperour must content himself to drinke, not onely after a Bishop, but after a Bishops Chaplaine.* 3 Ibid.

4 *That Kings have not their authority nor office immediately from God, nor his Law, but onely from the law of Nations.* 4 Ibid. & de cler. cap. 10.

5 *That Popes have degraded Emperours, but never Emperour degraded the Pope: nay, even * Bishops that are but the Popes vassals, may depose Kings and abrogate their Lawes.* 5 De Pontif lib. 3 cap 26 * Lib. 3. cap. 8.

6 *That Church-men are as farre above Kings, as the soule is above the body.* 6 De Laicis, c 8.

7 *That Kings may be deposed by their people for divers respects.* 7 De Pontif lib. 5 cap. 8.

8 *But Popes can be deposed by no meanes: for no flesh hath power to judge of them.* 8 De Pontif. lib. 2. cap. 26.

9 *That obedience due to the Pope is for conscience sake.* 9 De Pontif. lib. 4 cap. 15.

10 *But obedience due to Kings is onely for certaine respects of order and policy.* 10 De Clericis cap 28.

11 *That those very Churchmen that are borne and inhabit in Soveraigne Princes countries, are notwithstanding not their Subjects, and cannot be judged by them, although they may judge them.* 11 Ibidem.

12 *And that the obedience that Churchmen give to Princes even in the meanest and meere temporall things, is not by way of any necessary subjection, but onely out of discretion, and for observation of good order and custome.* 12 Ibidem.

Here we find what base estimation Prelates had of Princes, may we not then justly except against their delivery (as it is by them urged, *No Bishop, no King?*

King James Collection out of Cardinal Bishop Bellarmine as followeth:

1 That Kings are neither Lawful.

2 That they are not only Subject to Popes, but to Deacons, even to Deacons.

3 That an Emperour may forfeit his Crown, not only for Heresie, but for every Bishop, for every Clerk.

4 That Kings have not their authority nor office immediately from God, but from the Pope, even the Kings of Christendom.

5 That Popes have deposed Emperours, but never Emperours Popes.

6 That Christendom are in fact deposed Kings, as the Popes have deposed Kings and disposed of their Empire.

7 That Kings may be deposed, slain, or murthered by their Subjects.

8 That Popes can be deposed by no means: for no Council can depose them.

9 That obedience due to the Pope is for conscience sake.

10 That obedience due to Kings is only for certain respects of Civil and Politick policy.

11 That holy every Christian may bear and maintain his Opinion, though Princes countries, and notorious ly against their Consciences be punished by them, although they were pious.

12 And that the obedience that Christians give to Princes is meerly subjection, but only out of discretion, and for obtaining some good order and quietness.

Here we find what hath elimination Prelates had of Princes, may we not then justly except against their delivery (as it by them urged, No Bishop, no King?

DENSELL HOLLIS Esq;

HIS

# SPEECH

## At the delivery of the PROTESTATION to the Lords of the upper House of *Parliament*. 4. *May*, 1641.

Wherein is set forth the reasons that moved the House of Commons to make the said *Protestation*. Together with a short narration of the severall grievances of the Kingdome.

Printed, for *F. A.* 1641.

# SPEECH

## At the delivery of

the PROTESTATION to

the Lords of the upper

House of Parliament, &c.

1641.

Printed, for T. A. 1641.

# Denſell Hollis Eſq;

## his Speech at the delivery of the Proteſtation to the Lords, May the fourth. 1642.

*My Lords,*

THe Knights, Citizens and Burgeſſes of the Houſe of Commons, having taken into their conſideration the preſent eſtate and condition of this Kingdome, they find it ſurrounded with varietie of pernitious dangers, and deſtructive deſigns, practiſes and plots, againſt the well being of it; and ſome of thoſe deſigns, hatched within our own bowels, and Viper-like working our owne deſtruction.

They

They finde Iesuits and Prests conspiring with ill Ministers of State, to destroy our Religion, they finde ill Ministers conioyn'd together to sobvert our Lawes and liberties. They finde obstructions of Iustice, which is the life-blood of every State, and having a free passage from the Soveraigne power where it is primarily seated as the life-blood in the heart, and there derived from the severall Iudicatories, or through so many veines, into all the parts of this great collective Body, doth give warmth and motion, to every part & member, which is nourished and inlivened by it. But being once precluded stoppd, and reared as the particular must of necessity faint and languish, so must the whole frame of Government be dissolved.

And consequently Soveraignty it selfe (which as the heart in the body, *primum mouens, & ultimum moriens*, must dye and perish in the generall dissolution, and all things run in the beginning *in antiquum Chaos*.

*My Lords,*

They find the property of the Subiect invaded and violated, his estate rent from him by illegall taxations, Monopolies and projects almost upon every thing that is for the use of man, not onely upon superfluities but necessaries: and this to enrich the Vermine and Caterpillers of the Land, and impoverish good Subiects,

Subiects, to take the meat from the Children, and give it to Dogges.

My Lords, If the Commons finde these things, they conceive they must needes bee ill Counsels that have brought us into this condition.

These Counsels have put all into a Combustion, have discouraged the hearts of all true English men, and brought two Armies into our bowels, which is the Vulture upon *Prometheus*, eates through, and sucks and gnawes our very hearts out.

*Hic Dolor, sed ubi Medicina?*

Heretofore Parliaments were the *Catholicall*, the balme of *Gilead*, which healed our wounds, restored our spirits, and made up the breaches of the Land.

But of late yeares they have been like the fig-tree in the Gospell, without efficacy, without fruit, onely destructive to their peculiar members, who discharged their duties and consciences no way beneficiall to the Commonwealth. *Nobis exitiale, nec Reipublicæ profuturum.* As hee said in *Tacitus*, being taken away still as *Elias* was with a whirle-wind, neither comming to any maturity, or to such manuall field vnripe as they should be like the blessed old man, who dieth, *plenus dierum*, in a full age after hee had fought a good fight, and overcome all his ene-

mies, Or as the ſtocke of wheat, which commeth in due ſeaſon to fill our Granaries with corne, uphold our lives with the ſtaffe of bread, for Parliaments are our *prius quotidianus*, our true bread, all other waies are but *Quelkachoes* which yeeld no true nouriſhment, bread, nor good blood.

The very Parliament which hath ſate ſo long, hath but beat the ayre, and ſtrive againſt the ſtreame, I may truly ſay the wind and tide, hath ſtill beene againſt us. The ſame ill Counſell which firſt raiſed the ſtorme, and almoſt ſhipwrackt the Common-wealth, they ſtill continue, they blow ſtrong like the Eaſt wind, that brought the Locuſts over their Counſels, croſſe our deſignes, caſt difficulties in our way, hinder our proceedings, and make all that we do to be fruitleſſe and ineffectuall. They make us not maſters of our buſineſſe, and ſo not maſters of many, which have beene the great buſineſſe of this Parliament, that we might pay the Armies, according to our promiſes and engagements.

For my Lords, our not effecting of the good things which we had undertaken for the good of the Church and of the Common-wealth, hath wounded our reputation, and taken off from our credit.

Is it not time then, my Lords, that we ſhould unite and concentrate our ſelves, in regard of this

this *Anteperiſtaſis*, of hurtfull and malicious intentions and practices againſt us.

My Lords, it is moſt agreeable to nature, and I am ſure moſt agreeable to reaſon, in reſpect of the preſent coniuncture of our affairs, for one maine Engine by which our enemies worke our miſchiefe, is by infuſing an opinion & beleef into the world, that we are not united among our ſelves. But like *Sampſons* Foxes, we draw ſeverall waies, and tend to ſeverall ends.

To defeat the Counſels of theſe *Achitophels*, which would involve us. Our Religion, our being, our Lawes, our liberties, all that can be neere and deere unto an honeſt ſoule, in one univerſall and generall deſolation, to defeat I ſay, the Counſels of evill *Achitophels*, the Knights, Citizens and Burgeſſes of the Houſe of Commons (knowing themſelves to be ſpecially entruſted with the preſervation of the whole, and in their Conſcience are perſwaded that the dangers are ſo eminent, as they will admit of no delay) have thought fit to declare their united affections by entring into an aſſociation amongſt themſelves and by making a ſolemne proteſtation and vow unto their God, that they wil unanimouſly endevour to oppoſe and prevent the Counſells and Counſellours which have brough upon us all theſe miſeries and the feares of greater, to prevent the ends and bring the Authors of them to condigne

better before God and man.

The Protestation your Lordships shall have read unto you, together with the ground and reasons which have induced the House of Commons to make it; which are prefixed before it by way of Preamble. Then the Protestation was read by Mr. Maynard.

FINIS.

# A WORTHY SPEECH MADE IN THE HOVSE OF COMMONS this preſent Parliament, 1641.

1 *That Parliaments are the onely way for advancing the Kings affaires.*

2 *That the reſtoring of the property of goods and freedome of the Subject is a chiefe meanes to maintaine Religion and obedience to his Majeſtie.*

By Mr. WALLER.

1640 1641

LONDON, Printed for *John Nicholſon*, 1641.

# A WORTHY SPEECH MADE IN THE HOUSE OF COMMONS

this present Parliament, 1641.

1. That Parliaments are the only way for advancing the King's glory.

2. That the refusing of the petitions of grods and treasons of the Subject is a chefe meanes to overthrow Religion and obedience to his Majestie.

MUSEUM

By Mr. Waller.

LONDON, Printed for John Nicholson, 1641.

# Mr. WALLERS *Speech* in the House of Commons this present Parliament.

1641.

MR. *Speaker*, I will use no Preface as they doe who prepare men to something to which they would perswade them and move their affections, I will onely propose what I thinke fit for the House to consider, and shall be no more concerned in the event then they that shall heare me. Two things are considerable which I observe in his Majesties demands; First, the Supply: Secondly, our speedy dispatch thereof, touching the first his Majesties occasions for Money are too evident; For (to say nothing) how are we neglected abroad, or distracted at home, the calling of this Parliament and our sitting heere is an effect which no light cause could in those times have produced, and enough to make any reasonable man beleeve that the *Exchequer* abounds not so much in money as the *State* doth in occasions to use it, and I hope we shall appeare willing to disprove those who thought to dissuade his Majesty from this way of Parliaments, as doubting it uncertaine, and to let him see it is as ready and more safe for the advancement of his Affaires then any new (or pretended old way) whatsoever.

2. Now Mr. *Speaker*, for the speedy dispatch required, which was the second thing, which not onely his Majesty but (*Res ipsa loquitur*) the occasion seemes to importune no lesse, necessity is come upon us like an armed man, and yet the use of Parliaments heretofore (as appeares by the *Writs* which call us hither) was to advise with his Majesty of things concerning the *Church* and *Common-wealth*; and Mr. *Speaker*, it hath ever been the Custome of Parliaments by good and wholsome Lawes to refresh the *Common-wealth* in generall, yea to descend into the Remedies of particular grievances before any mention made of supply, looke back on the best Parliaments and still you shall find that the first Acts

are for the free gift of the Subjects on the peoples part, and generall pardons on the Kings part: even the wisest of Kings have first acquainted their Parliaments, with their designes and the reasons thereof, and then demanded the assistance both of their counsels and purses.

But Mr. *Speaker*, Physitians though they be called of the latest, must not stomack it or talke what might have beene but apply themselves roundly to the cure. Let us not stand too nicely upon circumstances, nor so rigidly post the matter of supply to the healing of our lighter wounds; let us doe what may be supplyably done with reason and honesty on our parts, to comply with his Majesties desires, and to prevent the eminent evills that threaten us.

But consider Mr. *Speaker*, that they who thinke themselves already undone can never apprehend themselves in danger, and they that have nothing left can never give freely, nor shall we ever discharge the trust of those that sent us hither, or make them believe that they contribute to their owne defence and safety, vnlesse his Majesty be pleased first to restore them to the propriety of their good and lawfull liberties, whereof they esteeme themselves now out of possession. I need not tell you, that the propriety of our goods is the mother of courage and nurse of Industry, which makes us valiant in warre and good husbands in peace, the experience I have of former Parliaments, and my present observations of the cast of Country hath had to choose persons of worth & courage makes me thinke this House like the *Spartans* whose forward valour required some softer Musique to allay and quiet their spirits, too much moved with the sound of Martiall Instruments. It is not the feare of imprisonment or (if need be) of death it selfe that can keepe a true hearted *Englishman* from the care to leave his part of the Inheritance as intire to posterity as he received it from his Ancestors. This therefore let us first doe (and the more speedily) that we may come to the matter of supply, let us give new force to the many Lawes which have beene heretofore made for the maintaining of Rights and Priviledges, and to restore this Nation to the fundamentall and vitall liberties, the propriety of our goods and freedome of our persons; no way doubting but that wee shall find his Majesty as gracious and ready as any of his Royall progenitors have been to grant our just desires therein, for nee

the simplest doe thinke but the wisest doe know; that what we have suffered, we have suffered for his Ministers, but the person of no King was ever better beloved of his people, and that no people were ever better satisfied with the wayes of levying of monies are two truths which may serve to demonstrate the other, for such is their occasion to the present courses, that neither the admiration they have of his Majesties inclination to Justice and clemency, nor the pretended contents of the Iudges could willingly submit themselves to this late tax, and such is their naturall love and just esteeme of his Majesties goodnesse, that no late pressure could provoke them nor any example invite them to disloyalty or disobedience. But what is it that hath bred this misunderstanding betwixt the King and the people, how is it that having so good a King we have so much to complaine of? Why Mr. *Speaker*, we are told of the Sonne of *Solomon* that he was a Prince of a tender heart, and yet by the advice of violent Counsellors, how rough an answer he gave his people, *that his finger should be heavier than his Fathers Loynes*. I dare say, that it was not his owne but the voyce of some persons about him, that wanted the gravity of moderation requisite for the Counsellors of a young King. I love not to presse Allegories too farre, but the Resemblance of *Iobs* story with ours holds so well, that I can not but observe it to you: it pleased God to give his enemies to afflict him, and yet he was not provoked to rebell against him so much as with his tongue (although he had no good example of one that lay neere him) and felt not the halfe which he suffered. I hope his Majesty will imitate God in being neere it too, and as he was severe to *Iob* onely whilst he discoursed with another concerning him, but when he vouchsafed himselfe to speake to him, began to rebuke those who had mistaken and misjudged his case, and to restore the patient man to his former prosperity: so now his Majesty hath admitted us his presence and spoken face to face with us, I doubt not but we shall have fairer dayes and be as rich in the possession of our owne, as ever we were. I cannot but wonder at those who seeme to doubt the successe of this *Parliament*, or the misunderstanding betwixt the King and the people should last any longer now we are so happily met.

His Majesties wants are not so great but that we may finde meanes

are for the free gift of the Subjects on the peoples part, and generall pardons on the Kings part, even the wisest of Kings have first acquainted their Parliaments, with their designes and the reasons thereof, and then demanded the assistance both of their counsels and purses.

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But consider Mr. *Speaker*, that they who thinke themselves already undone can never apprehend themselves in danger, and they that have nothing left can never give freely, nor shall we ever discharge the trust of those that sent us hither, or make them believe that they contribute to their owne defence and safety, vnlesse his Majesty be pleased first to restore them to the propriety of their good and lawfull liberties, whereof they esteeme themselves now out of possession. I need not tell you, that the propriety of our [illegible] is the mother of courage and nurse of Industry, which [illegible] valiant in warre and good husbands [illegible] of former Parliaments, and my [illegible] Country hath had to choose persons [illegible] me thinke this House like the *Sparta* [illegible] required some faster Musique to allay [illegible] much moved with the sound of Mar[illegible] the feare of imprisonment or (if need [illegible] keepe a true hearted *Englishman* from the care to leave his part of the Inheritance as intire to posterity as he received it from his Ancestors. This therefore let us first doe (and the more speedily) that we may come to the matter of supply, let us give new force to the many Lawes which have beene heretofore made for the maintaining of Rights and Priviledges, and to restore this Nation to the fundamentall and vitall liberties, the propriety of our goods and freedome of our persons; no way doubting but that we shall find his Majesty as gracious and ready as any of his Royall [illegible] have been to grant our just desires therein, for [illegible]

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the simplest doe thinke but the wisest doe know; that what we have suffered, we have suffered for his Ministers, but the person of no King was ever better beloved of his people, and that no people were ever better satisfied with the wayes of levying of monies are two truths which may serve to demonstrate the other, for such is their occasion to the present courses, that neither the admiration they have of his Majesties inclination to Justice and clemency, nor the pretended content of the Iudges could willingly submit themselves to this late tax, and such is their naturall love and just esteeme of his Majesties goodnesse, that no late pressure could provoke them nor any example invite them to disloyalty or disobedience. But what is it that hath bred this misunderstanding betwixt the King and the people, how is it that having so good a King we have so much to complaine of? Why Mr. *Speaker*, we are told of the Sonne of *Solomon* that he was a Prince of a tender heart, and yet by the advice of violent Counsellors, how rough an answer he gave his people, *that his finger should be heavier then his Fathers Loynes*. I dare say, that it was not his owne but the voyce of some persons about him, that wanted the gravity of moderation requisite for the Counsellors of a young King. I love not [illegible] stories too farre, but the Resemblance of *Iobes* fortune so well, that I can not but observe it to you: it [illegible]e his enemies to afflict him, and yet he was not [illegible] against him so much as with his tongue (although good example of one that lay neere him) and [illegible] which he suffered. I hope his Majesty will imitate it too, and as he was severe to *Iob* onely [illegible] with another concerning him, but when he vouchsafed himselfe to speake to him, began to rebuke those who had mistaken and misjudged his case, and to restore the patient man to his former prosperity: so now his Majesty hath admitted us his presence and spoken face to face with us, I doubt not but we shall have fairer dayes and be as rich in the possession of our owne, as ever we were. I cannot but wonder at those who seeme to doubt the successe of this *Parliament*, or the misunderstanding betwixt the King and the people should last any longer now we are so happily met.

His Majesties wants are not so great but that we may finde

meanes to ſupply them nor our deſires ſo unreaſonable or ſo incompatible with government, but that his Majeſty may well ſupply them, for our late experience I hope will teach us what ſuch ſo ſhun, and how neceſſary the uſe of moderation is, and for his Majeſty he hath had experience enough, how that proſpereth which is gotten without the concurrent good will of the people, for never more money was taken from the Subject, nor never more want in the *Exchequer*, if we looke upon what we have payd it is more then the people of *England* ever did in ſuch a time, if we looke upon what hath beene effected therewith, it ſeemes we have acted the *Belides* part, whoſe puniſhment was the filling of a ſive with water: whoſoever gave adviſe for theſe courſes hath made good the ſaying of the wiſe man, *Qui cenſurbat domum ſuam poſſidebit ventum*, by new wayes they thinke to accompliſh wonders, but in truth they graſe the wind and are in the meane time *ambobus Achilles*, cruell to us and to the King too, for let the Common wealth flouriſh and then, he that hath the Soveraignty can never want or doe amiſſe, ſo as he governes not according to the intereſt of others, but goe the ſhorteſt and ſafeſt wayes to his owne and the Common good with regard how they ſtand in order to any private mans deſires or preſervation,

The Kings of this Nation have alwayes governed by Parliaments: if we looke upon the ſucceſſe of things ſince Parliaments were layd by, it reſembles that of the *Grecians*, *Ex illo fluere & retro ſublapſa referri Res Danaam*, eſpecially in the Subjects part, for though the King hath gotten little the ſubjects have loſt all, but his Majeſty ſhall now heare the truth from us, and we ſhall make to appeare the errours and wandrings up and downe of our Divines, who would perſwade us that a Monarch can be abſolute, and that the King may doe all things *ad libidinem*; receding not onely from their text, though that be a wandering too, but from the way which their owne profeſſion might teach the, *Stare ſuper vias antiquas*, & remoove not the ancient bounds and land marke, which our Fathers have ſet. If to be abſolute were to be reſtrained by no Lawes, then can no King in Chriſtendome be ſo, for they all ſtand obliged to the Lawes of *Chriſtiani*, and we aſke no more, for to this Pillar are our Priviledges fixt, our Kings at their Coronation taking a ſolemne Oath, not to infring

fring them, I am sorry these men take no more care of informing our faith of those things which they told us for our soules health whilst we know them manifestly in the wrong, in that which concernes the liberties and privileges of the Subjects of *England*: but they get promotion and preferment, and then it is no matter though they neither beleeve themselves nor are beleeved of others: but since they are so ready to let loose the consciences of our Kings, we must be the more carefull to provide for our protection against the Pulpit Law, by declaring and reinforcing the municipall Lawes of this Kingdome. It is worth the observing, how now this opinion or rather this way of rising is ever amongst themselves&, yet Mr. *Hooper* who sure was no refractory man (as they tearme him) thinkes that the first government was arbitrary, vntill it was found that to live by one mans will, *became the cause of all mens miseries, and that this was the originall of inventing Lawes*; And Mr. *Speaker*, if we looke further back, our Histories will tell us that the *Prelates* of this Kingdome, have often been the mediators betweene the King and his Subjects and to present and pray for redresse to their grievances, and had then as much love and reverence from the people as now they want, but these Preachers are more active then their predecessours, and wiser then the Lawes, who have found out a better forme of government, The King must be a more absolute Monarch then any of his predecessours, and to them he must owe it, though in the meane time they hazard the hearts of his people and involve him into a thousand difficulties; For suppose the forme of government were convenient (yet this is but a supposition) for these 500 yeares it hath not onely maintained us in safety, but hath made us victorious over other Nations: but, I say, suppose they have another *Idea* of one more convenient, we all know *how dangerous Innovations are, though to the better, and what hazard those Princes run that enterprise the change of long established government.*

Now Mr. *Speaker*, of all our Kings that have gone before, and of all that are to succeed in this happy Race, why should so good and so pious a King be exposed to this trouble and hazard, besides that *Kings so diverted can never doe any great things abroad.* But Mr. *Speaker*, whilst these men have bent their wits against the Lawes of their Country, whether they have neglected their owne

charge

charge, and what Tares are growne up in the field, which they should have tilled, I leave it to a second consideration, not but that Religion ought to be the first thing in our purposes and desires, but that which is first in dignity is not alwaies to preceed in order of time: for well being supposed a being, and the first impediment which men naturally endeavour to remove, is the want of those things without which they cannot subsist.

God first assigned unto *Adam* maintainance of life, and *gave him a title above the rest of the creatures before he appointed him a Law to observe, and let me tell you, that if our Adversaries have any such designe, as there is nothing more easie then to impose Religion on people deprived of their liberties, so there is nothing more hard then to doe it upon Free-men*; and therefore (Mr. *Speaker*) I conclude with this motion, that *an order may be presently made, that the first things this House will consider of, shall be the restoring this Nation in generall to its fundament all liberties, the propriety of our goods, and the Freedome of our persons, and that then we will forthwith consider of the supply so much desired, and thus we shall discharge the trust reposed in us by those that sent us hither*, his Majesty will see that we will make more then ordinary haste to satisfie his demands, and we shall let all those know, that seek to hasten the matters of supply, that they will so farre delay it, as they give interruption to the former.

FINIS.

# Mr. SPEAKERS SPEECH

On Thursday, the thirteenth of *May*, 1641. as it was delivered to the Kings Majesty, before the Lords in Parliament.

At the presenting of these three BILLS, *viz.*

An Act
- For the shortning of *Michaelmas* Term.
- For the pressing of *Marriners* for the Kings Ships.
- For the remainder of the six entire Subsidies.

LONDON,
Printed for *Francis Constable*, *Anno* 1641.

# Mr. SPEAKERS SPEECH

On Thurſday, the thirteenth of *May*, 1641. as it was delivered to the Kings Majeſtie, before the Lords in Parliament.

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*May it pleaſe your moſt excellent Majeſtie,*

THe great ſecurity of the Kingdome, reſts in the happy concurrence of the King and people, in the unity of their hearts.

Theſe joyned, ſafety and plenty attends the Scepter; but divided, diſtraction and confuſion, as Bryers and

Tornes over-ſpreadſ, and makes the lad barren.

*No peace to the King,*
*No proſperity to the people.*

The duties and affections of your ſubjects are moſt tranſparant, moſt cleere in the cheerfull, and moſt liberall contributions, given to knit faſt this union with the bond of peace.

The Treaſures of the privie purſe, are but the ſupplies of Fancies, warranted by a common Intereſt; But the publick Tribute given by common aſſent, ſupports Royall Dignitie, is ſheltered under the wings of Prerogative, and by that power covered from the eyes, from the touch of deceivers.

In theſe wee render *Cæſar*, what is due to *Cæſar*, and Tribute to whom Tribute belongeth.

The proper inſcription of the Crown, is borne here, and cenſures thoſe malignant ſpirits

ſpirits that dare whiſper, (nay) into the cares of ſacred Majeſtie, that our ſelves only, not your ſacred perſon, not your Royall poſterity, are the ſupreame objects of the givers.

The preſervation of the publick union, the ſupply of your Armies, the diſtreſſes, miſerable diſtreſſes of the Northern parts, the common Calamities of the times, begat the conſideration of this Bill, (the remainder of the ſix entire Subſidies, happily preſented to your ſacred Majeſtie, by this unworthy hand) the firſt vote advanced a credit to us, to iſſue them for the uſe of your ſacred Majeſtie.

The full perfection addes growth to that credit, and enables us to return to your ſacred Majeſtie, as to the Ocean, the Tribute due to Iuſtice and Soveraignty.

Theſe are the vaſt earneſts of our deſires, which take their riſe from the due regard, from the ſafety of your Throne, of your poſterity.

Your

Your Royall assent stamps your Image heere, and makes this yours, and yours only, which I by the commands of the Commons humbly beseech of your sacred Majestie.

FINIS.

K Mervyn

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# CAPTAINE Audley Mervin's SPEECH,

## DELIVERED IN THE UPPER HOUSE TO THE LORDS IN PARLIAMENT, *May* 24. 1641.

Concerning the Judicature of the High Court of PARLIAMENT.

LONDON,
Printed for *R. Royston*, *Anno* 1641.

CAPTAINE

Audley Mervin's

# SPEECH,

DELIVERED

IN THE UPPER

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MENT, May 24. 1641.

Concerning the Judicature of the

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LONDON.

Printed for R. Royston. Anno 1641.

# CAPTAINE AUDLEY MERVINS SPEECH.

## Delivered in the upper House to the LORDS, 24. of May, 1641.

MY LORDS,



Uch was the well composed Module and Beauty of those Letters of Royall Grace and Favour, which by a select Committee of both Houses were treated upon: that to say, *you may be pleased to remember them*, were an injurie, especially since the Argument of those severall Conferences were all seal'd up with this well-warranted opinion, that every word in them ought to be writ in Letters of gold, ingraved in brasse, that present and succeeding times might read them with greedy eyes, speaking in their owne Dialect, the Emblems of a most indulgent Prince, the Characters of Justice and Equity, and the Monuments all Records of unparallel'd goodnesse, triumphing in his Majesties breast, as in the Sphere of their proper activity.

The Letter concerning the validity of our Parliament, and the second concerning the Graces, are twins of a Royall birth, joyned in conjugall bonds by His Majesty.

Graces without a valid and effectuall Parliament to confirme them, are but *Statu quo prius*; a Parliament without Graces is not to call idlers, that are piping and dancing in the Market, to work in the vineyard, but to call the labourers out of the vineyard, to pipe and dance in the Market place; or, if you please, almost as ill sutable as a Parliament without Judicature.

These two Letters so wedded, wee have lodged in one sheet, I meane, included in one instrument, which being ready to be presented in its owne Dimensions, I will not now epitomize.

In the third and last Letter, demanding Presidents from the upper House of the Lords for their Judicature, His Majesty speakes harmoniously to us, though in a different key; hee is beautifull, though his brow be not so smoothly limb'd in it as in the former: for, certainly, it is an eminent policy in a Prince, and an evident happiness to government, not to suffer poyson to lodge in his eares, especially such a quick spreading and pestilentiall poyson as would eate out the *Base* and foundation of Parliaments, and putrefie those nerves and ligatures by which His most Excellent Majesty, and Wee his most loyall Subjects have ever been, are, and (maugre their black and fatall suggestions) shall be hypostatically united.

May it please your Majesty,

*Hic niger est, hunc tu, Romane, caveto.*

My Lords, I must in the name of the House of Commons intreat your patience, whilst I present unto your Lordships a ruffe-drawn Map of the Jurisdiction of this high Court of Parliament.

I shall imitate a Lands-cape; first, shew it you re-

mote

more, and in its primitive times, ſcarce diſcernable whether Land, or no Land; whether a Parliament, or no Parliament; then we ſhall ſaile neerer, untill wee come within certaine Cognizance to our owne times, nay, to this preſent houre; and then if wee ſhipwrack in the haven, if having beene befriended in the courſe of our Navigation by our ſailes, wee ſhall ſplit on our own Anchor, I meane, if in the computation of all times wee have had a Parliament unqueſtionable in ſubſtance, in forme, in all neceſſary adjuncts, and now, even now when eclipſed Juſtice, like the Sun impriſoned under a cloud, breaks forth with luſtre, be concluded in defect of Judicature, I ſay the ſtars have had malignant aſpects in this our Horizon.

But firſt (my Lords) ſince in the ſtrict words of the Letter, the houſe of the Lords ſeemes only intereſted, wee may bee thought to make an inrode upon your Priviledges, and to be pragmaticall without preſident, though not without preſumption:

Truely (my Lords) *Anima eſt tota in toto, & tota in qualibet parte.* Judicature is the Soule of this great compacted body, and enjoyes that diffuſive property.

The times were, when both Houſes ſate in one place, and had one Speaker, and ſince the power of Judicature muſt bee founded upon a preparatory Impeachment, and this preparatory Impeachment muſt be framed by the Commons Houſe, wee muſt juſtifie our ſelves not guilty of the title of fooles by the Wiſeman, to lay a foundation and never conſider by what means the ſtructure is to be finiſhed; nay, excuſe our ſelves from that generall remonſtrance of a generall Grievance, Extrajudiciall Proceedings.

Your Lordſhips are under his Majeſty the Chiefe, be pleaſed to admit us Members, though the feet; the health of theſe will much advantage the preſervation of the whole Compound; nay, on the contrary, the

Gout is as mortall and dolorous as the Head-ach.

Besides (my Lords) our commenced proceedings against the parties impeached of high Treason, though seasoned with much moderation and temper, are of ripe age, and blush to be kept in long-coates, which are now suspended; by which mis-interpreted rumor of our Jurisdiction drawn into question, the Commons of this Kingdome openly proclaime, That to bee excessive vicious is to be secure, and that facts of Treason are above the cognisance and punishment of the Acts of Reason, and the Lawes and Statutes of this Kingdome.

So (my Lords) it being out of dispute (and yet desiring not to bee misconstrued, that wee would make stakes with you in your owne and proper Judicature) that we are deeply interested in this particular, I shall returne unto my first proposition, and survey this high Court of Parliament. Parliament, did I say? From what *radix*? *Parler le ment*, the speech of the mind. This must bee attended with judgment and reason; but I thinke wee speake with none of these, if wee cannot maintaine our Jurisdiction: This is its Etymologie, which is warranted by the best Antiquarie of his time, *Vetusto nomine, è Gallia mutato, Parliamentum dicitur.*

This high Court hath not been confined to this individuall appellation, but hath been christned by severall god-fathers.

*Majores nostri Anglo-Saxones* intitled it, *Prudentum Conventus, Consilium, Magnus Conventus.* Succeeding Historiographers, *Commune Concilium, Curia Altissima, Generale Placitum, Curia magna, Magnatum Conventus, Commune totius regni Concilium, Præsentia Regis, Prælatorum, Procerumq; celebritas.*

But certainly, if they intended these flourishing titles to a Parliament without Judicature, they spoke of their riding to Parliament, not sitting in it.

An unhappy Parliament: like the Citie *Mydas*, whose gates were so wide, that the Citie might run out of them.

To allow these to be Synonyma's of Parliament, and to disallow Judicature, were but, Jewish-like, to say, *All haile king of the Jewes*, and in the meane time, *Crucifie him.*

Neither (my Lords) are these up-started Titles, or new-bought Coates of Armes that this high Court blazons. No (my Lords) they are venerable for their Antiquitie, and of most ancient birth and extraction.

*Mulmucius*, of some called *Donwallo*, did write two bookes of the Lawes of the *Brittons*, the one called *Statuta Municipalia*, the other *Leges Judiciaria*, for so the same do signifie in the *British* tongue, wherein hee wrote the same, which is as much to say, as the *Statute Law* and *Common Law*; which bookes were written 441. yeares before the *Incarnation of Christ*, and how should there bee Statute Lawes without a Parliament? King *Alfred* ordained for a perpetuall usage, That twice in the yeare, or oftner if need bee, they should assemble themselves at *London*, to treate in Parliament of the government of the people of God, how they should keep themselves from sinne, should live in quiet, and receive right by holy Lawes and Judgements.

In the *Heptarchy*, Parliaments had their continuance, witnesse the stile of Parliaments in the time of *Ina* King of the *West-Saxons*: *Ego Ina Dei gratia, &c. Congregatione servorum Dei sollicitus de salute animarum nostrarum, & statu regni mei, constitui rectum conjugium & justa judicia pro stabilitate & confirmatione populi mei benigna sedulitate celebrari, & nullo Aldermanno, vel alicui de toto regimine nostro liceat conscripta abolere judicia.* So did *Offa* King of the *Mercians*, and *Ethelbert* King of *Kent*.

In the raigne of King *Athelston*, his Acts of Parliament

ment are ſtiled thus: *Hæc ſunt judicia Eccnia quæ ſapientes Concilio Ethelſtani Regis inſtituerunt, & iterum apud Frefreſham & tertia vice apud—— ubi hæc definita ſunt, & confirmata ſunt.* Here I finde a Parliament ſummoned, *Concilio Regis*, prorogu'd in thoſe words *Iterum & tertia vice*, the Royall aſſent in the words *Confirmata ſunt*, the diſſolution *Definita ſunt.*

King *Edgar* tells us they are *Inſtituta quæ Edgarus Rex concilio ſapientum, &c.*

King *Etheldred*, *Hoc eſt Concilium quod Etheldredus Rex & omnes ſapientes, &c.*

King *Edmond* cals it *Conventus Sapientum, Spiritualium & Temporalium.*

The Parliament of King *Canutus* at *Wincheſter* bore this Title: *Hæc ſunt ſtatuta Canuti Regis, Anglorum, Danorum, Norvegarum, venerando ejus ſapientum Concilio, ad laudem & gloriam Dei, & ſui regalitatem, & communem commodum, habita in ſancto natali Domini apud Wintoniam.*

Here wee begin to make Land, and deſcrie a viſible Title to a Parliament, being in ſubſtance and forme neerly allyed unto the Preſidents of theſe very times; and though ſome will conteſt this word [Parliament] beares date but from the third yeare of *Edw.* 1. yet (me thinks) thoſe words in the ninth yeare of *Edw.* 2. being the immediate ſucceſſor to *Edw.* 1. might convince them, *viz. Sciatis quod quam dudum temporibus progenitorum noſtrorum quondam regum Angliæ in diverſis Parliamentis ſuis, &c.* which word [*Progenitorum*] had been improper, if that name had commenced in his fathers raigne.

In one word, time out of mind, this high Court and its Judicature hath flouriſhed before the Conqueſt, in the Conqueſt (notwithſtanding that *ſilent leges inter arma*) and ever ſince the Conqueſt, untill this preſent houre.

Me

Mee thinkes, I appeare in your Lordſhips eyes as one drawing his Sword, traverſing his ground, lying upon his guard, there being neither offence nor oppoſition to draw him into this diſtemper. Your Lordſhips may ſay, What need you waken ſo many ſleepy Records to prove Parliaments have been? who is it of ſo deſperate an opinion, that offers it in queſtion?

Truly (my Lords) I cannot name Him, or Them; but whoſoever they were that enſtill'd this jealouſie of Judicature into his Majeſties thoughts, did *ipſo facto* ſubvert Parliaments, and the ſtrong rooted rites therof.

*Ariſtotle* bids us not to diſpute, *utrum nix ſit alba*, and the like viſible and apparent truths; but if any Man of an obdurate judgment would have denied that there was *Anima Rationalis*, then *Ariſtotle* muſt prove there is *Homo*, and *Anima Rationalis* will bee drawne in by conſequence. Prove *Homo*, prove a *Parliament*, and *Anima Rationalis*, which is *Judicature*, will be drawne in by conſequence: beſides, I am protected by the Verſe,

*Judicis officium eſt ut res, ita tempora rerum*
*Quærere.*

Next I muſt offer unto your Lordſhips that which the Law hath a tender reſpect unto, even the ends of Parliament:

*Exitus acta probat.*

Theſe I finde thus to bee capitulated by Sir *Edward Coke*, *Primò, ad ſubditos à delinquendo declinandos, hoc eſt, ut delicta tam bonis cautiſq; legibus, tam debita earundem executione anticiparentur*: now, if *debita executio legum* can be in Parliament inflicted upon *delinquentes ſubditos*, without legall proceedings and tryall, (except they will ſay nothing, and ſo bee preſt to death) I leave it to bee argued amongſt children.

2. *Ut tuta tranquillaq; ſit vita hominum*; but certainly

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the life of man is not preserved by the impunity of offendors, which must passe, *sublato judicatorio*.

3. *Vt fixis quibusdam sanctionibus, sanctisq; judicijs jus unicuiq; fieret*; but whether *jus* implies not punishing malefactors as well as relieving the oppressed (*Crudelitas parcens*, being more destructive to the Commonweale, then *Crudelitas puniens*) I leave it to be argued among children.

*Fleta* saith, a Parliament is called *Terminare dubitationes judiciorum novis injuriis emersis nova constituta remedia, unicuique prout meruerit justitiam retribuere.* Treason and Murther is *injuria*, Death and the losse of the offendors goods is *remedium*, the end of a Parliament is to apply this remedie. Then our Parliament must have a short cut in tryall. Wee must condemne without hearing of any part, for why should they hear, if they have no power to determine?

Having thus farre analyzed a Parliament, wee must consider its Parentage, and then prove our claime to Judicature by the title of *Coheare* with the Parliament in *England*, which his Majesties Progenitors have ever graciously confirmed unto us.

A Parliament then is a structure founded upon the Common Lawes of *England*, as is manifest in its proceedings upon many tryals according to the course of the Common Lawes. It is the heire apparent to the Common Law, and parent of the Statute Law. To make this position passe for touch, I will give you the Test of that ancient and learned Author of the book intituled *Mirror de les Justices*, in his owne words. *Hoc cum sit forum in hoc regno planè supremum, pars est structuræ jurium municipalium, & nomen nequam secundum frequentem illam, & usitatum in lege communi ordinem processus habet.*

My Lords, since with your Lordships patience we are arrived unto this undeniable truth, I will now

open

open our title to the Common Lawes of *England*, to the Statute Lawes of *England* before 10. *H.* 7. to the lawfull Customes of *England*, to the Courts of Justice in *England*, to the Writs Originall and Judiciall of *England*, and to the Presidents of *England*, even from the high Court of Parliament, unto the petty Constables office.

The first knowledge the printed Statute gives us of *Magna Charta*, is in 9. *H.* 3. yet wee finde it inrolled in the red Booke of the Exchequer. 3. King *John*.

King *John* in the 12. yeare of his raigne went into *Ireland*, and there attended with the advice of grave and learned men in the Laws, (whom he carryed with him) *de communi omnium de Hybernia consensu*, which is to be understood of Parliament, ordained and established that *Ireland* should be governed by the Lawes of *England*.

I find *in Rotulo Patentum* 11. *H.* 3. thus written, *Rex &c. Baronibus, militibus, & omnibus liberè tenentibus, Salutem. Satis ut credimus vestra audivit discretio, quod quando bonæ memoriæ Johannes quondam Rex Angliæ pater noster venit in Hyberniam, ipse duxit secum viros discretos, & legisperitos, quorum communi Concilio, & ad instantiam Hybernensium statuit & præcipit leges Anglicanas in Hybernia, ita quod leges easdem in scripturas redactas reliquit sub sigillo suo ad Scaccariam* Dublin.

Shall I repeate the very words recorded, *Rot. Patent.* 18. *H.* 3. *Rex &c. Comitibus, Baronibus militibus & liberis hominibus, & omnibus aliis de terra Hybernia, Salutem. Quia manifestè esse dignoscitur contra coronam & dignitatem nostram, & consuetudines, & leges regni nostri Angliæ, quas bonæ memoriæ Dominus Johannes Rex, Pater noster, de communi omnium de Hybernia consensu teneri statuit in terra illa, quod placita teneantur de curia Christianitatis, de advocationibus, Ecclesiarum et Capellarum, vel de Laico feodo, vel de Catallis quæ non sunt testamento, vel matrimonio.*

*trimonio. Vobis mandamus prohibentes quatenus hujusmodi placita in Curia Christianitatis nulla tenus sequi presumatis in manifestum dignitatis, & Coronæ nostræ præjudicium. Scituri pro certo quod si feceritis, dedimus in mandatis Judiciario nostro Hyberniæ, Statuta Curiæ nostræ in Anglia contra transgressiones hujus mandati nostri cum justitia procedat, & quod nostrum est exequatur. Teste Rege apud Winchomb. 28. Octob. an. regni 18.*

My Lords, I have read this Roll at large, becauſe I perceive a holy indignation in this Prince, that the Officers of this Kingdome would hold Pleas not ſutable in every reſpect unto the Laws, and Cuſtomes of *England*, adjudging the practiſe to be *in manifeſtum dignitatis & Coronæ noſtræ præjudicium.* Then obſerve the warning piece, *Vobis mandamus prohibentes, &c.* then the puniſhment, *Scituri pro certo, &c.* but the Judges in thoſe dayes were not ſo acute and ſubtle, as to demand a preſident for their puniſhment in caſe they had incurred it. Yet the Sophiſters of Law in this Kingdome may finde that King not unprovided with his anſwer; for the words are *Dedimus in mandatis, &c. Statuta Curiæ noſtræ in Anglia contra tranſgreſſiones, &c.* So that then the Statutes and Rules of the Courts in *England*, may be Preſidents both for triall and puniſhment.

*Rot. Pat. 30. H. 3. Rex, &c. pro communi utilitate terræ Hyberniæ & pro unitate terrarum, proviſum eſt quod omnes leges & conſuetudines quæ in regno Angliæ tenentur, in Hybernia teneantur, & eadem terra eiſdem legibus ſubjaceat, ac per eaſdem regatur, ſicut Johannes Rex cum ille eſſet, ſtatuit, & firmiter mandavit. Ideo volumus quod omnia brevia de communi jure, quæ currant in Anglia ſimiliter currant in Hybernia ſub novo ſigillo Regis:* Here are the old Lawes and Writs, differing in nothing but in a new Seale; which I wonder none of our witty Informers take advantage of to make it an eſſentiall difference.

13. *H.* 1. *Coram rege in longo placito*, I reade *una & eadem esse debet Lex tam in regno Anglia, quam Hybernia.*

My Lords, I will adde but this Quotation (which I hapned upon this morning) 2. *Rich.* 3. *fol.* 12. *in Camera stellata, Terra Hybernia inter se habet Parliamentum, & omnimodas Curias prout in Anglia, & per idem Parliamentum facit leges, & mutat leges, & illi de eadem terra non obligantur per Statuta in Anglia, quia hi non habent milites Parliamenti.* Here is a grant of Parliament past unto us of this Kingdome with all his appurtenances, rites, and members, as they were formerly; or now held by the Subjects of *England* from or by his Majesty.

Pray (my Lords) why are these cleere records preserved to posterity? to raise, or to confirme doubts?

That then their Parliaments are the very starres which we must saile by; their Presidents, the meridian sun wee must observe to finde the Latitude of our proceedings by, the last rehearsed rols proclaimed unto the world.

In its Etymologie it is *Altissima Curia*, but how ill-favouredly this name becomes it, if one Justice of Assize may heare and determine capitall offences, and this *Altissima Curia*, not have power of a grand Jury to him to finde *Billa vera.*

Yet aske this Justice of Assize by what president in this Kingdome he adventures upon this service. Aske of the Justice of Peace by what Presidents hee takes notice of Presentments, Indictments, awards the *alias*, the *plures Capias*, and his Presidents must take shipping out of *England.*

Inquire of the Court of Chancery for its Presidents of Equity, for the Presidents of Writs and Judgements. Inquire of the Kings Bench for a President in *Ireland*, for a Wager of battaile in an appeale. Inquire of

the Courts of Common-pleas for their Presidents in any of their rules of Court; Nay inquire of the petty-Constable by what President in *Ireland* hee executes his office, nay, for the carrying of his painted staffe; and they will returne but starved and hungry arguments, except they ship their Presidents out of *England*.

But admit (my Lords) wee had no interest in the Presidents of *England*, were it not *durus sermo*, that the long and well settled rites of Parliament should fall to the ground for want of a President, which undoubtedly hath power in it selfe to make a President not repugnant to Law?

Who knowes not but in the former darke and Tragicall times, that all, or the most part of the Rolls, and Records of this Kingdome were kept in *Brewinghams* Tower, and that the end of them was the Antitype of the end of the world, even a dissolution by fire; some layd in horse loades in every corner of the streets for Dung-hill-rakers to pick antiquities up, and Taylors to make measures of.

This Epidemicall consumption of our Records was a fatall and dismall injury to this Kingdome in it selfe; but it will wound us afresh, if our selves and posterity for want of them (though no fault in us then unborne) should permit Treasons, Rapines, Murthers, Disturbers of the King, Kingdome and Common-weale, not onely passe with impunity, but be established in the greatest places of Judicature, as if Treason were the square of the Law, and Allegeance become Treason.

Praised be Almighty God, this Kingdome is not so barren of the Professors of the Law, but I see those persons in my eyes, that can with more respect unto the dignity of His Majesties Crowne, with more regard unto his Majesties most Sacred and inviolable Oath, with more content to the whole Kingdome, personate the King, amiable to his people in the dispensation

penſation of Juſtice in the High Offices of the Judges impeached.

Yet (my Lords) notwithſtanding the Bonefires of our Rolls, I will offer one Preſident or two, by which the ancient Judicature of the Parliament in this Kingdome will appeare in triumphant colours.

In a Parliament held in this Kingdome in *Hen.* 5. time, *Richard O Heydan* Biſhop of *Caſhell* was impeached in 30. Articles by *John Geſe* Biſhop of *Waterford*; 3. Articles were, for counterfeiting the Kings Seale, for counterfeiting the Kings Letters Patent, for endeavouring to make himſelfe King of *Munſter*; ſo that the Parliaments in this Kingdome have not been confined to tryall of petty Larcenies, and moſt properly ſhould puniſh with the Sword, committing the rod to every pedantick Schoolemaſter.

In another Parliament held in this Kingdome in *Ed.* 2. Sir *Arnold Poore* was tryed for killing the Lord *Bonevaile*, and by ſentence of that High Court was acquitted, it being found it was done in his own defence.

My Lords, the Treaſons in this kingdome formerly practiſed have beene by hoſtile invaſion for the moſt part, and were ſtruck dead by the plaine Letter of the Law; the next block or tree was the Tribunall they appeared before.

Parliaments were but rare and Infant-like, and frighted with the claſhing of Armes from one place to another, and untill King *JAMES* of bleſſed memory ſate at the Steerage of our weather-beaten Ark, our Dove never brought in her Olive-branch, ſo that there could hardly be time allowed for a ſolemn tryall, if the occaſion had been offered.

The manner of thoſe Treaſons reſemble the forcible taking of a mans purſe upon the high-way: theſe Treaſons that wee ſhall have to ſift, are more like cut-purſing, they ſmile in our faces whilſt their hands dive into

into our pockets: the event is one, The losse of our moneys; and though they be taken napping, they will sweare they meant us no harme.

——*Latet Anguis in herba.*

The first man that ever suffred for Treason if want of a President would excuse him, might have begot Traytors to the third, and fourth generation with impunity. My house hath taken fire, I call for water to quench it; I would suppose him mad that would advise mee to let it burne to the ground, because my neighbour would not quench his; and therefore I want a President.

We will impute it unto the integrity of those times that have not fostred such unbounded spirits to attempt such crimes as might leave Presidents of this Nature.

It is (my Lords) Justice that those who will renew Presidents of long buried crimes, should renew or create Presidents of deserved tryall, and punishment.

My Lords, I have mustered some few Arguments in vindication of the Judicature of the Parliament in this Kingdome, they are valid enough for the intricacie of the question: Where tacks will serve, what needs tenpenny nayles? A good face wants no band. A valid Parliament wants no assertions for its Jurisdiction; and such is this present Parliament, as is manifest in one of the Royall letters I mentioned in the beginning of this discourse, declaring the effectuall validity thereof in an Emphaticall sense.

There is nothing now left (my Lords) but that as I have spent some time in scanning a Parliament with Judicature, since *Contraria, contrariis opposita magis elucescunt* wee may cast a smiling eye upon that pretty silken bugbeare of State, a Parliament without Judicature.

*Curia altissima*, must be *Curia infima*; *Curia magna*, must

muſt be *Curia minima*. It will reſemble a ſword with guilt hilts, and a blade made of a larth. Whereas then all Courts were derived from it, now all Courts may inſult upon it.

My Lords, I leave to your Lordſhips conſideration the cloth of State, (which no man ought to name without reverence) whether it will not eſteeme it ſelfe in a deplorable, and widowed eſtate for the death of her onely conſort, *JUDICATURE*. Like the ſingle Turtle it mournes, whilſt the Cuſhions of the Touleſale prick up their eares.

My Lords, me thinks, the Lyons roare, the ſtrings of the Harps break and ſound in diſcord, the Flower de Luces wither to bee ſtretch'd out, in a place *ſunt* Judicature. None ſits under that Pavilion that beares the Sword in vaine. The high-prin'd tincture of your Lordſhips robes begins to fade, the Ermins loſe their complexion, if they loſe their Judicature.

That wel-becomming title to a Nation, *Peerage*, begins to hang down its head, and bluſh, and curſes the influences in its nativity, if it ſhould come to ſuch an untimely end.

Your Speaker may ſtudy ſilence, and report that to himſelfe which he never read nor heard of, *A Parliament without JUDICATURE*.

The Right reverend Biſhops may retire into the Convocation houſe, the reverend Judges, that ſit attendants on your houſe, in reſpect of thoſe intricate myſteries in Judicature that happen to be diſcuſs'd before this Tribunall (though moſt venerable in their own Sphearе) ſit like ſo many Plovers prick'd down for Stales, with this Motto, *Videntur et non ſunt*.

We of the Houſe of Commons, that were hitherto ſtiled *Prudentum Conventus*, may impeach with little wit, & you remedy us with as little power; imitating *Baal's* Prieſts, cut and lance our ſelves, contribute our Eſtates, our Studies, our lives for his Majeſties

ever-prayed for happineſſe; *Call* and *Call* to their gods that could not help them, *Impeach* and *Impeach*, and demand Juſtice from our titular Lords, that can neither helpe themſelves nor us.

My Lords, the Common-Law ſpeakes our Parliament and its Judicature, the Statute Lawes confirme it, Preſidents ſtrengthen it; Reaſon, even undeniable reaſon fortifies it: What Magick is there then, that the caſe is thus altered?

If it lies in the degrees of the perſons impeacht, hear then the Statute of *Marlebridge*, 52. *H.* 3. *Proviſum eſt, concordatum et conceſſum, quod tam majores, quam minores juſtitiam habeant, et recipiant in Curia Domini Regis.*

Yet their offices may offer ſome things in conſideration: My Lords, the late Lord Keeper in *England* will not come in to diſpute this point afore the Parliament: and Sir *Robert Belknap*, one of the Judges of the Common-Pleas, was put to baniſhment by the Parliament for ſubſcribing an opinion againſt Law, though forc'd by a dagger he'd to his breſt; and the reſt of the Judges that ſubſcribed the ſame were put to death. Areaſon I forgot that wee may bee excus'd for want of Preſidents, if there be any ſurviving. The parties impeach'd have taken a courſe for that, and by an order of the Chancery had them in their owne cuſtody, ſince their Impeachment, ſince the Maſter of the Rolls death unto this preſent houre. Poore *David*, poore Houſe of Commons muſt encounter *Goliah*; nay *Goliah*, and yet *Goliah* muſt have his owne Sword and Speare, nay *Sauls* Armor, the Kings evidences, nay *Davids* poore ſling; this I humbly preſent to your Lordſhips conſideration. My Lords, *England* will not envy, that wee plead an equall intereſt in their Lawes, but rejoyce to ſupport us, eſpecially in parliamentary proceedings, his Majeſty will conceive the vanity of thoſe, that, taking advantage of his princely mind involv'd in multiplicity

multiplicity of weighty affaires, would raiſe ſuch dangerous doubts. Obſerve but one word in the *Rot. Pat.* 30. *H.* 3. *Rex, &c. pro communi utilitate terræ Hyberniæ, et pro unitate terrarum, proviſum eſt, quod omnes leges, et conſuetudines.* You ſee the confirming and enacting of the Lawes and Cuſtomes of *England* to bee of force in *Ireland*, was, *pro utilitate terræ Hybernia, et pro unitate terrarum*; The Union of Lawes being the beſt unity of Kingdomes. Thoſe then that would tread under feet the wiſedome of thoſe times ſo fortunately commenced, and continued, may be judged as the Incendiaries of Nations, and the Plagiaries of Government. My Lords, out of what I have ſaid, this infallible Maxime may be drawn of the High Court of Parliament, *Si vetuſtatem ſpectes eſt antiquiſsima, ſi dignitatem eſt honoratiſsima, ſi Juriſdictionem eſt capaciſsima.*

In the laſt place, I preſent unto your Lordſhips theſe three Inſtruments, being thrice ſeverally read, maturely debated, and ſolemnly voted in our Houſe, to receive their perfection, and maturity by ſuch proceedings in this moſt honourable Houſe, as ſhall be ſutable to your approved Judgements.

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FINIS.

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16

# TWO SPEECHES OF THE RIGHT HONOVRABLE *WILLIAM*,

Lord Vicount SAY and SEALE, Mr. of his Majesties Court of Wards and Liveries, and one of his Majesties most Honourable Privy Councell, spoken in Parliament.

The first upon the Bill against Bishops.

The other a Declaration of himselfe touching the Liturgie.

Feiness (W.)
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LONDON,
Printed for *Thomas Vnderhill*. 1641.

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# A Speech of the Right Honourable WILLIAM, Lord Vicount Say and *Seale*, one of his Majesties most Honourable privie Councell, spoken in Parliament upon the Bill against the Bishops.

MY LORDS,

I Shall not need to begin as high as *Adam* in answer to what hath beene drawne downe from thence by a Bishop concerning this question, for that which is pertinent to it will onely be what concernes Bishops as they are ministers of the Gospell, what was before (being of another nature) can give no rule to this. The question that will lye before your Lordships in passing of this bill is not whether Episcopacie (I meane this Hierarchicall Episcopacy which the world now holds forth to us) shall be taken away Roote and branch, but whether those exuberant and superfluous branches, which draw away the sap from the tree, and divert it from the right and proper use whereby it becomes unfruitfull, shall be cut off, as they use to pluck up suckers from the Roote. The question will be no more but this, whether Bishops shall be reduced to what they

The Bishop of *Lincolne*.

were in their first advancement over the presbyters (which although it were but a humane device for the Remedie of Scisme, yet were they in those times least offensive) or continue still with the addition of such things, as their owne ambition, and the ignorance and superstition of succeeding times did adde thereunto, and which are now continued for severall politicke ends, things heterogeneall and inconsistent with their calling and function, as they are ministers of the Gospell, and thereupon such, a ever have beene, and ever will be, hurtfull to themselves, and make them hurtfull to others, in the times and places where they are continued. And these things alone this bill takes away, that is their offices and places in Courts of Iudicature, and their imployments by Obligation of office in civill affaires: I shall insist upon this, to shew first how these things hurt themselves, and secondly, how they have made, and ever will make them hurtfull to others; They themselves are hurt thereby in their consciences, and in their credits; In their consciences, by seeking or admitting things which are inconsistent with that function and office which God hath set them apart unto. They are separated unto a speciall worke, and men must take heed how they mis-imploy things dedicated and set apart to the service of God; They are called to preach the Gospell, and set apart to the worke of the ministery, and the Apostle saith, who is sufficient for these things, shewing that this requireth the whole man, and all is too little, therefore for them to seeke, or take other offices which shall require and tye them to imploy their time and studies in the affaires of this world, will draw a guilt upon them, as being inconsistent with that which God doth call them and set them apart unto. In this respect our Saviour hath expresly prohibited it, telling his Apostles that they should not Lord it over their Brethren, nor exercise Jurisdiction over them, as was used in civill governments among the Heathen: They were called gracious Lords, and exercised Jurisdiction as Lords over others

others, and ſure they might lawfully doe ſo: but to the Miniſters of the Goſpell our Saviour gives this Rule, it ſhall not be ſo done by you; If ye ſtrive for greatneſſe, he ſhall be the greateſt that is the greateſt ſervant to the reſt; therefore in another place he ſaith, He that putteth his hand to the Plow and looketh backe to the things of this world is not fit for the kingdome of God, that is the preaching of the Goſpell, as it is uſually called. To be thus withdrawne by intangling themſelves with the affaires of this life by the neceſſity and duty of an Office received from men, from the diſcharge of that Office which God hath called them unto, brings a woe upon them; Woe unto me, ſaith the Apoſtle, if I preach not the Goſpel, what doth he meane? If I preach not once a quarter, or once a yeare in the Kings Chappell? No he himſelfe interpreteth it; Preach the Word, be inſtant, in ſeaſon and out of ſeaſon, rebuke, exhort, or inſtruct, with all long ſuffering and doctrine: he that hath an office, muſt attend upon his office, eſpecially this of the miniſtery. The practice of the Apoſtles is anſwerable to the direction, and doctrine of our Saviour. There never was, nor will be, men of ſo great abilities and gifts as they were indued withall, yet they thought it ſo inconſiſtent with their Callings to take places of Iudicature in civill matters, and ſecular affaires and imployments upon them, that they would not admit of the care and diſtraction that a buſineſſe farre more agreeable to their Callings, then theſe, would caſt upon them, and they give the reaſon of it, in the ſixth of the *Acts*. It is not reaſon that we ſhould leave the word of God and ſerve Tables. And againe, when they had appointed them to chooſe men fit for that buſineſſe, they inſtitute an office rather for taking care of the poore, then th y by it would be diſtracted from the principall worke of their Calling, and then ſhew how they ought to imploy themſelues; But we (ſaid they) will give our ſelves continually to prayer, and to the miniſtry of the Word;

Did the Apoſtles, men of extraordinary gifts, thinke it unreaſonable for them to be hindred from giving themſelves continually to p[illegible]ing the Word and prayer, by taking care for the [illegible]les of the poore Widowes, and can the Biſhops now thinke it reaſonable or lawfull for them to contend for ſitting at Councell Tables to governe States, to turne States-men in ſtead of Church-men, to ſit in the higheſt Courts of Iudicature, and to bee imployed in making lawes for civill polities and government? If they ſhall bee thought fit to ſit in ſuch places, and will undertake ſuch imployments, they muſt not ſit there as ignorant men, but muſt be knowing men in buſineſſes of State, and underſtand the Rules and Lawes of government, and thereby both their time and ſtudies muſt be neceſſarily diverted from that which God hath called them unto; And this ſure is much more unlawfull for them to admit of, then that which the Apoſtles rejected as a diſtraction unreaſonable for them to bee interrupted by. The doctrine of the Apoſtles is agreeable to their practice herein, for *Paul* when hee inſtructeth *Timothy* for the worke of the miniſtery preſſeth this argument from the example of a good ſouldier, no man that warreth intangleth himſelfe with the affaires of the world: So that I conclude, That which by the commandement of our Saviour, by the practice and doctrine of the Apoſtles, and I may adde by the Canons of ancient Councels, grounded thereupon, is prohibited to the Miniſters of the Goſpell, and ſhewed to be ſuch a diſtraction unto them from their Callings and function, as will bring a woe upon them, and is not reaſonable for them to admit of; If they ſhall notwithſtanding intangle themſelves withall, and enter into, it will bring a guilt upon their ſoules, and hurt them in reſpect of their conſciences.

In the next place it doth blemiſh them, and ſtrike them

them in their credit, ſo farre from truth is that poſition which they deſire to poſſeſſe the world withall, that unleſſe they may have theſe outward trappings of worldly pompe added to the miniſtry, that Calling will grow into contempt, and bee deſpiſed. The truth is, theſe things caſt contempt upon them in the eyes of men. They gaine them cappe and courteſie, but they have caſt them out of the conſciences of men; and the reaſon is this, every thing is eſteemed as it is eminent in its owne proper excellencie; the eye in ſeeing, not in hearing; the eare in hearing, not in ſpeaking; The one would bee rather monſtrous then comely, the other is ever acceptable being proper; ſo is it with them, their proper excellency is ſpirituall, the denyall of the world with the pompe and preferments, and imployments thereof, this they ſhould teach and practiſe, but when they contrary hereunto ſeeke after a worldly excellency like the great men of the world, and to rule and dominere as they doe contrary to our Saviours precept, *Non autem vos ſic*, but it ſhall not bee ſo amongſt you, in ſtead of honour and eſteeme, they have brought upon themſelves in the hearts of the people that contempt and *odium* which they now lye under, and that juſtly and neceſſarily, becauſe the world ſeeth that they preferre a worldly excellency, and runne after it, and contend for it, before their owne, which being ſpirituall is farre more excellent, and which being proper to the Miniſtrie is that alone which will put a valne and eſteeme upon them that are of that Calling. As theſe things hurt themſelves in their conſciences and credit, ſo have they, and, if they bee continued, ſtill will make them hurtfull to others; The reaſon is, becauſe they breake out of their owne orbe, and move irregularly, there is a curſe upon their leaving of their owne place. The heavenly bodies while they keepe within their owne ſpheres give light and comfort to the world,

But

But if they ſhould breake out, and fall from their regular and proper motions, they would ſet the world on fire: ſo have theſe done while they kept themſelves to the worke of their miniſtery alone, and gave themſelves to prayer, and the miniſtry of the Word, according to the example of the Apoſtles, the world received the greateſt benefits by them, they were the light, and life thereof; But when their ambition caſt them downe like ſtarres from heaven to earth, and they did grow once to be advanced above their brethren, I doe appeale to all who have beene verſed in the ancient Eccleſiaſticall ſtories, or moderne Hiſtories, whether they have not beene the common incendiaries of the Chriſtian world, never ceaſing from contention one with another about the precedency of their Sees, and Churches, Excommunicating one another, drawing Princes to bee parties with them, and thereby caſting them into bloody warres. Their ambition, and intermedling with ſecular affaires and State buſineſſe, hath beene the cauſe of ſhedding more Chriſtian blood then any thing elſe in the Chriſtian world, and this no man can deny that is verſed in Hiſtory; But we need not goe out of our owne Kingdome for examples of their inſolency and cruelty; when they had a dependancy upon the Pope, and any footing thereby out of the Land, there were never any that carryed themſelves with ſo much ſcorne and inſolencie towards the Princes of this Kingdome, as they have done.

Lincolne. Two of them the Biſhop that laſt ſpake hath named, but inſtances of many more may bee given whereof there would bee no end. Although the Pope bee caſt off, yet now there is another inconvenience no leſſe prejudiciall to the Kingdome by their ſitting in this Houſe, and that is, they have ſuch an abſolute dependancy upon the King, that they ſit not here as freemen. That which is requiſite to freedome, is to be void of hopes and feares; Hee that can lay downe theſe is a free-man, and will be ſo in

this

this house; But for the Bishops as the case stands with them, it is not likely they will lay aside their hopes, greater Bishopricks being still in expectancy: and for their feares they cannot lay them downe, since their places and seats in Parliament are not invested in them by blood, and so hereditary, but by annexation of a Barony to their office, and depending upon that office, so that they may be deprived of their office, and thereby of their places, at the Kings pleasure, they doe not so much as sit here *dum bene se gesserint*, as the Judges now by your Lordships petition to the King have their places granted them, but at will and pleasure, and therefore as they were all excluded by *Edw.* the first as long as hee pleased, and Lawes made *exclusō Clero*, so may they be by any King at his pleasure in like manner, they must needs therefore bee in an absolute dependencie upon the Crowne, and thereby at devotion for their votes, which how prejudiciall it hath beene, and will be, to this house I need not say.

I have now shewed your Lordships how hurtfull to themselves and others these things which the bill would take away have beene, I will onely answer some Objections which I have met withall, and then crave your pardon for troubling you so long.

*Object.* 1. It will be said that they have beene very antient.

2. That they are established by law.

3. That it may be an infringement to the priviledges of the House of Peeres, for the house of Commons to send up a Bill to take away some of their members.

To these three objections the answer will be easie.

1. To the first, Antiquity is no good plea, for that which is by experience found to be hurtfull, the longer it hath done hurt the more cause there is now to remove it, that it may doe no more, besides other irregularities are as antient which have beene thought fit to bee

redreſſed, and this is not ſo antient, but that it may truly be ſaid, *Non fuit ſic ab initio.*

2. For being eſtabliſhed by Law, the law-makers have the ſame power, and the ſame charge, to alter old lawes inconvenient, as to make new that are neceſſary.

3. For priviledge of the Houſe it can be no breach of it, for either eſtate may propoſe to other by way of bill what they conceive to bee for publicke good, and they have power reſpectively of accepting or refuſing.

There are two other Objections which may ſeeme to have more force, but they will receive ſatisfactory anſwers.

The one is, that if they may remove Biſhops, they may aſwell next time remove Barons and Earles: for anſwer.

The Reaſon is not the ſame, the one ſitting by an Honour inveſted in their blood, and hereditary, which though it be in the King to grant alone, yet being once granted he cannot take away; the other ſitting by a Barony depending upon an Office which may bee taken away, for if they be deprived of their office they ſit not.

2. Their ſitting is not ſo eſſentiall, for Lawes have beene, and may be made, they being all excluded, but it can never be ſhewed, that ever there were Lawes made by the King, and them, the Lords and Earles excluded.

*Obj.* The other objection is this, that this Bill alters the foundation of this houſe, and innovations which ſhake foundations are dangerous.

*Anſw.* I anſwer firſt, that if there ſhould bee an error in the foundation, when it ſhall be found, and the maſter builders be met together, they may, nay, they ought rather to amend it, then to ſuffer it to runne on ſtill, to the prejudice and danger of the whole ſtructure.

2. Secondly, I ſay this is not fundamentall to this Houſe,

House, for it hath stood without them, and done all that appertaines to the power thereof without them, yea, they being wholly excluded, and that which hath beene done for a time at the Kings pleasure may be done with as little danger for a longer time, and when it appeares to be fit and for publick good, not onely may, but ought to be done altogether by the supreme Power.

FINIS.

# A Speech of the Right Honourable WILLIAM, Lord Vicount *Say* and *Seale*, one of his Majesties most Honourable privie Councell, spoken in Parliament, touching the *Liturgie*.

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MY LORDS,



Have waited to find you free from greater businesses, that I might crave leave to speake of something that concernes my selfe; And this I have the more desired since my Lord of *Canterburies* last speech, who expressing his troubles, and bewailing the miserie of his condition, and of the condition of the Church of *England*, (for he would needs joyne them together, which I thinke he may as the cause and effect, for the miseries of the Church have certainly risen from him) hee insisted much upon this, That these troubles had befallen him through the malice of two parties, the Papists, and the Sectaries, and by those he said the Church was greatly afflicted. How farre this man will extend this word Sectarie, and whom hee will comprehend under it, I know not, but I have some cause to feare that I may lye under

under ſome miſapprehenſions in reſpect of matters of this nature, which how farre it concerneth him your Lordſhips will perceive by what I ſhall ſay. My Lord of *Canterbury* a man of meane birth, bred up in a Colledge, (and that two frequently falls out to be in a faction,) whoſe narrow comprehenſions extended it ſelfe no farther then to carry on a ſide in the Colledge, or canvas for a Proctors place in the Univerſitie, being ſuddenly advanced to higheſt places of government in Church and State, had not his heart inlarged, by the inlargement of his fortune, but ſtill the maintaining of his partie was that which filled all his thoughts, which he proſecuted with ſo much violence and inconſiderateneſſe, that he had not an eye to ſee the conſequences thereof to the Church and State, untill he had brought both into thoſe diſtractions, danger and diſhonour, which we now find our ſelves incompaſſed withall; Yet to magnifie his moderation, preſently after the breaking of the laſt Parliament he told a Lord who ſitteth now in my ſight, that if he had beene a violent man, he wanted no occaſion to ſhew it, for hee obſerved that my Lord *Say* never came to prayers, and added, that I was in his knowledge as great a Separatiſt as any was in *England*. My Lords, how farre hee hath ſpit this venome of his againſt me, I am not certaine; But I may well feare where it might doe me greateſt prejudice; I ſhall therefore intreat your Lordſhips favours and patience, that I may give you in theſe things which ſo neerely concerne me a true account of my ſelfe, which I ſhall doe with ingenuity and clearenеſſe, and ſo as that if I ſatisfie not all men, yet I hope I ſhall make it appeare I am not ſuch a one as this waſpiſh man was willing to make the world beleeve.

For the firſt of theſe that he chargeth upon me, it may be he was willing to have it thought that I would not joyne in prayer with your Lordſhips, but refuſed ſuch a communion, which is altogether falſe, for I ſhould moſt willingly

willingly joyne in prayer with you. And further I will adde, that I doe not thinke but ſome ſet formes of prayer, by ſome men, in ſome caſes, may be lawfully uſed; But this is that which I am not ſatisfied in, that a certaine number of men ſhould uſurpe an authority unto themſelves to frame certaine prayers and formes of divine Service, and when that is done, under the name of the Church to injoyne them upon all perſons, in all times, and upon all occaſions to be uſed and none other: and upon this ground (which makes it the worſe) becauſe theſe come from the publike ſpirit of the Church (when the Biſhop or his Chaplaine ſhall frame them) and others proceed from the private ſpirit of this or that particular man.

This injunction is an uſurpation of power over the Churches of Chriſt, and over the gifts and graces which Chriſt hath given unto men: which the Apoſtles never exerciſed nor would aſſume, and yet they might much better have done it, and the ſame reaſons might then have beene alledged for it, that are now; This turnes ſuch formes in ſtead of being directions into ſuperſtition.

This ſets aſide the gifts and graces which Chriſt hath given, and thruſts out the exerciſe of them, to ſubſtitute in their places, and introduce a device of man. This injunction of ſuch formes upon all men; turnes that, which in the beginning neceſſity brought in for the helpe of inſufficiency: to be now the continuance and maintenance of inſufficiencie, and a barre to the exerciſe of able and ſufficient gifts and graces. As if becauſe ſome men had need to make uſe of Crutches, all men ſhould bee prohibited the uſe of their legges, and injoyned to take up ſuch crutches as have beene prepared for thoſe who had no legs. This I confeſſe I am not ſatisfied in, yet I will further ſay thus much, here are with your Lordſhips ſome Biſhops, men of great parts, able to offer up this worſhip

worſhip unto God, in the uſe of thoſe gifts which God hath endowed them with: and certainly they ought to ſerve him with the beſt of their abilities which they have received. Let them make uſe of their owne gifts, nay let them but profeſſe that they accompt not themſelves bound to uſe formes; nor to this forme they uſe, more then any other, but that it is free to them to conceive prayer, or to helpe themſelves by the uſe of any other forme they pleaſe aſwell as this preſcribed. And let them practiſe the ſame indifferently, that ſo it may be manifeſt the fault reſts in the perſon and not in the Service: in the negligence of him that may offer better if he will, not in the Injunction of that which is offered. And I will not refuſe to come to prayer, for I take the ſinne then to bee perſonall, and to reſide in the perſon officiating onely. I know not whether I expreſſe my ſelfe clearely to be underſtood in this or not, and it may ſeeme to be a nice ſcrupulosity, give me leave therefore to indeavour to cleare it by an inſtance or two. In the time of the Law, when God appointed himſelfe to be worſhipped by offerings, and ſacrifices, the ſhadowes and types of thoſe truths which were to come: If a poore man that had not ability to bring a Bullock, or a Ramme, or a Lamb, had brought a paire of Turtle Doves, or two young Pigeons, it would have beene in him an acceptable ſervice. But if a man of ability who had heards and flocks, ſhould out of negligence or covetouſneſſe, have ſpared the coſt of a Bullocke or a Ramme, and brought young Pigeons, his ſervice would have beene rejected, and himſelfe puniſhed: how much more would the ſervice have beene abomination, if men ſhould have taken authority to have injoyned all to bring no other but Turtles or young Pigeons, becauſe ſome were not able to doe more? In one caſe there might be a tollerable and lawfull uſe of that, which otherwiſe uſed (eſpecially if generally injoyned) would have beene moſt unlawfull; God will be

worſhip-

worſhipped with the fatte and the beſt of the inwards, the beſt of mens gifts and abilities, which he that worſhips, or officiates in worſhipping, is to doe at his owne perill; And if it be left free unto him, the worſhip may be lawfull to him that joyneth with him therein in it ſelfe, though performed in a negligent, and ſo in a ſinfull manner by the Miniſter, but if that manner bee injoyned, the Service it ſelfe is to be refuſed.

Now in the time of the Goſpell God hath appointed the fooliſhneſſe of preaching (for ſo the world accompts it) to be the meanes whereby he will ſave thoſe that beleeve; I conceive where there are no gifts inabling men to preach, there might bee a lawfull and profitable uſe of reading of printed Sermons and Homilies, and in ſuch caſe they might very lawfully be heard; But if ſome men upon pretence to prevent extravagant preaching, ſhould take upon them to ſet forth a booke of publike or common Sermons fit for all times and occaſions, and ſhould injoyne Miniſters to conforme to thoſe, and uſe no other preaching at all, but the reading of theſe common Sermons or Homilies ſo deviſed for publike worſhip, this would make it utterly unlawfull, and to be profeſſed againſt, as that which were the bringing in of a humane device and injunction in the place, and inſtead of Gods ordinance, to the excluſion thereof, as the Phariſes, to eſtabliſh traditions of their owne, made void the commandements of God; let it bee conſidered what difference there can be found betweene theſe, but onely this, Uſe and Cuſtome hath enured us to that of Prayer, not ſo in this of Preaching, and therefore the evill of it would eaſily appeare unto us if ſo injoyned.

My Lords, let me preſume upon your patience ſo farre further, as to give me leave to ſpeake to the other imputation laid upon me, that I am a Separatiſt, and the greateſt in *England*; and firſt I ſhall ſay of this word *Separatiſt*, as that learned man Mr. *Hales* of *Eaton*, ſaith in a little

little Manuſcript of his which I have ſeene.

*That where it may be rightly fixed and deſervedly charged, it is certainly a great offence; But in common uſe now amongſt us it is no other then a Theologicall ſcar-crow, wherewith the potent and prevalent party uſeth to fright and enforce thoſe who are not of their opinions to ſubſcribe to their dictates, without daring to queſtion them, or bring them to any rule or examination either of Scripture or reaſon.* And he obſerveth that this was too uſuall, even in ancient times as well as now.

Secondly, I ſay that there is a twofold ſeparation, one from the Univerſall or Catholike Church, which can no otherwiſe be made but by denying the faith, (for Faith and Love are the Requiſites unto that communion) the other is a ſeparation from this or that particular Church or congregation, and that not in reſpect of difference with them in matter of faith or love, but in diſlike onely of ſuch corruptions in their externall worſhips and Liturgies as they doe admit of, and would injoyne upon others. This is a ſeparation not from their perſons as they are Chriſtians, but from their corruptions in matter of worſhip as they are therewith defiled; And this ſeparation every man that will keepe himſelfe pure from other mens ſins, and not ſin againſt his own conſcience, muſt make. And I will ingenuously confeſſe, that there are many things in many Churches or Congregations in *England*, practiſed, and injoyned upon all to be practiſed and ſuffered, which I cannot practiſe, nor admit of, except I ſhould ſin againſt the light of my conſcience, untill I may out of the word of God be convinced of the lawfulneſſe of them which hitherto I could never ſee ſufficient ground for; But my Lords, this is ſo farre from making me the greateſt ſeparatiſt in *England*, that it cannot argue me to be any at all; for my Lords, the Biſhops doe know that thoſe whom they uſually apply this terme unto are the Brownists (as they call them by another name) and they know their

tenents The truth is, they differ with us in no fundamentall point of doctrine or ſaving truth, as I know.

Their failing is in this, they hold that there is no true Church in *England* no true Miniſtry, no true worſhip, which depend the one upon the other, they ſay all is Antichriſtian: here is their errour, they diſtinguiſh not betweene the *bene eſſe* or purity of a true Church, and the *eſſe* or true being of it, though with many defects and groſſe corruptions, But conclude that becauſe ſuch things are wanting, which are indeed neceſſary to the well being of a true Church, and to be deſired, therefore there is none at all in being. I hold no ſuch opinion, but doe beleeve to the contrary, That there are in *England* many true Churches, and a true Miniſtrie which I doe heare, and with which Churches I could joyne in communion were thoſe yoke of bondage which are laid upon them taken off, and thoſe corruptions removed which they doe (contrary as I thinke to their dutie) yeeld unto and admit of; and this I am ſure no ſeparatiſt in *England* holdeth that deſerveth that name. Therefore I hope your Lordſhips will in that reſpect let me ſtand right in your opinions. I ſhall now end with two requeſts.

The one that your Lordſhips will pleaſe to pardon me for troubling you with ſo long a diſcourſe concerning my ſelfe, I have not uſed it heretofore, and I am not like to offend againe in the ſame kind, it is but once, and your Lordſhips will conſider the occaſion.

The ſecond is humbly to intreat of you, that where you know their is one and the ſame God worſhiped, one and the ſame faith imbraced, one and the ſame ſpirit working love, and cauſing an unblameable converſation without any offence to the State, in your brethren, that in all theſe concurre with you, you will not ſuffer them (for Ceremonies, and things to you indifferent,

but not to them but burthens, which without offence to the State, or prejudice to the Churches, you may take off if you will) to be thruſt out of the Land, and cut off from their native Countrey, for if you thus ſhall wound the conſciences of your brethren, you will certainly offend, and ſinne againſt Chriſt.

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*FINIS.*

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PRINCETON UNIVERSITY MUSEUM

FINIS.

18

# A SPEECH OF Mr Iohn White

*Counsellor* at *Law*, made in the Commons House of Parliament

CONCERNING

## *EPISCOPACY.*

London, Printed for *Thomas Nicholes*, and are to be sold at his shop, at the signe of the Bible in Popes-head alley.

1641.

# SPECTATOR.

## No. V.

Counsellor [illegible]

[illegible]

[illegible]

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# A Speech of Maſter *John White* Counſellour, concerning Epiſcopacy.

EPiſcopacy as it ſtands in this kingdom, comprehends in it *in linea recta*, theſe foure degrees, the Deacon, the Presbyter, the Biſhop and the Archbiſhop, Every Archbiſhop wades through every of theſe ordinarily.

Of the firſt and laſt we have no *veſtigium* in the holy ſcriptures. This Deacon may Preach and Baptize & help the Presbyter to adminiſter the Lords Supper, but may not conſecrate the Elements in the Lords Supper: contrary to the Scriptures, by which Preach and Baptize, is a full Commiſſion for the exerciſe of all the miniſteriall function. *Mat.* 28. 19. Book of ordering of Deacons.

The Deacon mentioned in holy Scripture, is the ſame in Office with our Church-warden, to looke to the Church goods and the poore, *Acts* 6. 1 *Tim.* 3.

The Presbyter is of all hands acknowledged to be, *Jure Divino*.

The Biſhop is conſiderable in reſpect of his trayn, and ſecondly, in reſpect of himſelf.

His trayn are theſe, firſt the Dean and Chapter (called Prebends, *quia præberent auxilium Epiſcopo*,) and were originally ordained for his Counſell, to adviſe him in difficulties in Religion, and to adviſe him in, and conſent unto his diſpoſitions of his poſſeſſions, *Coke* 3. Dean and Chapter of *Norwiches* caſe.

Secondly, the Archdeacon is the *oculus Epiſcopi* to diſcover and puniſh offences ſpirituall and Eccleſiaſticall

within his limits, & *manus Episcopi*, to present unto him such as are to be made Deacons and Presbyters, and to induct such as he admits and institutes into Benefices.

Thirdly, his Chancellors, Vicars Generall, Commissaries, Officials, Surrogates, Registers, Promotors, and others belonging to his Cathedrals.

These be all meerly humane, and may be taken away without offence to God or conscience, if there appeare just cause for it.

The Bishop in respect of himselfe is considerable in his Barony and temporalties, and his spiritualties.

Case of tenures 35. a. The first, is meerly *Exgratia Regis*, and in this kingdome began 4. of *William* the Conquerour: And by vertue hereof, they have had place in the house of Peers in Parliament. 7. *H.* 8. 1846. *Kel.* it is resolved by all the Judges of *England*, that the King may hold his Parliament by himselfe, his temporall Lords and Commons, without any Bishop, for a Bishop hath not any place in Parliament by reason of his spiritualties, but meerly by reason of his Barony, and accordingly acts of Parliament have been made, 2 *Rich.* 3. *cap.* 3. and at divers other times.

They have usurped the name of Spirituall Lords but of late, and were first called so 16 *Rich.* 2. c. 1. in our Statutes.

By his spiritualties, I mean those wherein he is more then a Presbyter, and therein I consider his authority over Presbyters by the Oath of Canonicall Obedience, by which he may command them to collect tenths granted in Convocation, &c. 20 *Hen.* 6. 13. p. 25.

Secondly, his Office which is partly Judiciall, and partly ministeriall; Judiciall, by which he is Judge in his Courts of all matters Ecclesiasticall and spirituall within his Dioceſſe, *Co. Rep.* 8. *Trollop's C.* Secondly, he is Judge of the sufficiency of such as are presented unto him to be instituted into Benefices, *Co. Rep.* 8. *Speches.*

Miniſteriall, and thereby he is to Sacred places Dedicate to Divine Service, 9. H. 6. 17. pag. 8. Secondly, he is to provide for the officiating of Cures in the avoydance of Churches on neglect of the Patrons, preſenting thereunto. Thirdly, he is to certifie loyall Matrimony, generall baſtardy and excommunication. Fourthly, to execute Judgements given in *quare impedit*, upon the writ *Ad admittendum Clericum*, and other, &c.

Fiftly, to attend upon tryals of life, to report the ſufficiency or inſufficiency of ſuch as demand Clergy. Sixtly, to ordaine Deacons and Presbyters.

All theſe I conceive to be *Jure humano*, given to theſe Biſhops, and may upon cauſe be taken away from them.

Biſhops have been in the Primitive Church, and are Apoſtolicall and from the beginning. *Ob.*

To this I anſwer, firſt, that in the pure primitive times of the Church the Hiſtory whereof is recorded in the Acts and Epiſtles of the Apoſtles, (in which the firſt and beſt patterns of Church government is expreſſed) there is no mention of other Biſhops then the Presbyters, as appeares. *Sol.*

Firſt, the holy Scriptures declare the duties and office of Presbyters and Biſhops to be one & the ſame. The Biſhop is to teach and rule his Church or Congregation 1 *Tim.* 3. 2. 5. and the Presbyter is to teach and feed his flock, and to overſee, care for, and rule them, 1 *Pet.* 5. 2. 3.

Secondly, the Presbyters are in holy Scriptures, ſaid to be the Biſhops of the holy Ghoſt, *Act.* 20. 28. *Paul* charges the Presbyters of *Epheſus* to take heed to the flock whereof the Holy Ghoſt had made them Biſhops. And other Biſhops the Holy Ghoſt never made.

Thirdly, *Epheſians* 4. 11. God is ſaid to have given to his Church for the perfecting of the Saints, for the work of the Miniſtery, and for the edifying of the body of Chriſt, Apoſtles, Prophets, Evangeliſts, Paſtors and Teachers, here is an expreſs enumeration of the officers God

hath given, whereof the firſt three are extraordinary and ceaſed: and the laſt only remains, and is to remain untill we all come to perfection, as it is ver. 13. and this perpetuall Officer is called Paſtor, in relation to his flock whom he is to govern in *Spiritualibus*, and Teacher in reſpect of his duty to feed them with the word of truth, and is the very ſame with the Presbyter, as appeares above. *Argumentum à diviſione eſt fortiſſimum.* The Biſhop as he is any more then a Presbyter, is none of theſe, no Officer given by God, and therefore ought not to be in the Church; Chriſt the King of his Church was faithfull in his Houſe, not only as a ſervant, as *Moſes* was, but as the Son in an excellency and eminency, *Heb.* 3.5. and to his kingly Office it pertains to appoint the Officers he will uſe for the government of his Church in *ſpiritualibus*, and it agrees not with his faithfulneſſe to neglect or omit the appointment of them, and leave his Houſe, his Church, without ſuch Officers. He is only wiſe, and therefore beſt knows what Officers are uſefull for his Church, and infinitly loving of his Church, and therefore hath not left her without any Officer fit for her.

*Ob.* *Titus* in the end of *Pauls* Epiſtle unto him, is ſaid to be the firſt Biſhop of *Crete*, and *Timothy* in the end of the Epiſtles unto him, to be the firſt Biſhop of *Epheſus*.

*Sol.* Perk. upon Gal. 6. *infine.* For Tim. See 1 Cor. 4. 17. & 16. 10. Acts 17. 13. 15 & 19. 22. & 20. 4. 5 1 Theſ. 3. 1. 6. Heb. 13. 25. Coloſ. 1. 1. Phil. 1. 1. & 2. 19. For Titus See 2 Cor. 7. 13 & 8. 16. 23. and 12. 18. Gal 2. 1. 2 Tim. 4. 20. Tim. 1. 3. and 3. 12.

Thoſe additions are ſpurious, and no part of the holy Scriptures, and as *Beza* obſerves, are not in many greek ancient copies to be found, and this is ſo evident as it is granted by moſt Divines. 2. And as they be no part of the Scriptures of God, ſo they be apparently contrary unto them, for by them it appears, that they, namely *Titus* & *Timothy*, were Evangeliſts, extraordinary officers, aſſociats and fellow-helpers of the Apoſtles in their generall and Univerſall function, attendant upon them, and ſent by them (as occaſion required) from one Church to another, never keeping any fixed reſidence any where, and if they had been Biſhops of any place,

*Paul.*

*Paul* would never have ſuffered, much leſſe forced them to be non-reſidents.

Saint *John Revel.* 12. 3. writing to the 7 Churches of *Aſia* directs his ſpeech to the Angel of each Church, and in each of thoſe Churches there were then ſeverall Congregations and Presbyters, therefore the Angel was the Biſhop over them. *Ob.* 2.

To this I anſwer, that as Angel is a name common to all Presbyters who are Chriſts Meſſengers and Ambaſſadors: So it appears to be uſed here by the very context cap. 2. v. 10. Where ſpeaking to the Angel of the Church of *Smyrna*, the holy Ghoſt ſaith, *Feare none of the things thou ſhalt ſuffer, the Devill ſhall caſt ſome of you into priſon, but be thou faithfull, &c.* Angel (being *nomen multitudinis*) is taken in theſe chapters collectively for all the Presbyters (ſome of whom the adverſaries ſhould impriſon,) and not for any one above or before the reſt. The ſame appears in the like manner, ver. 13. 23.

Seeing then the Epiſcopacy may be taken away in all, wherein it exceeds the Presbyters office, and that the office of the Presbyter is cleerly *jure divino*; I conceive we are firſt to reſtore the Presbyter to his due, and to him it belongs to teach and feed his flock and to overſee, care for, and rule them in *ſpiritualibus*, *Act.* 20. 17. 1 *Tim.* 3. 2. 5. 1. *Pet.* 5. 2. 3. So ſaith the holy Scripture.

And ſo ſaith our Law alſo. He is to miniſter the Doctrine and the Sacraments, and the diſcipline of Chriſt, as the Lord hath commanded, and as this Realme hath received the ſame according to the commandements of God: See the book of Ordering of Prieſts in the 3. queſtion, And he is called in our Law *Rector Eccleſiæ*, and the words of his inſtitution be, *Tibi rectorem Eccleſiæ inſtituimus curamque & regimen animarum parochianorum tibi in Domino committimus.*

The Biſhops have taken by uſurpation from the Presbyter divers rights: firſt, contrary to his Ordination

and institucition, they will not suffer him to preach in his own Cure without a license.

Secondly, they restrain him from preaching some doctrines, as of predestination and others that overthrow Arminian tenets, when his faithfulnesse in his Office requires he should keep nothing back, but to shew them all the counsell of God, *Acts* 10. 27. Thirdly, they will not suffer him to intermeddle in the discipline. These usurpations I conceive are to be taken away, and the Presbyter to be left free from them.

This is read to the Presbyter upon his Ordination, and his charge then given him is remarkable See the booke of ordering Priests.

Secondly, for the Episcopacy, I conceive, that first their Baronies and the intermedling of the Clergy in Civill Councels, affaires, and imployments, ought to be taken from them.

First, I conceive such Bar. and intermedling is against the Law of God, Christ refused to intermeddle in dividing inheritances (though more able and fit for it then any Bishop) *Luke* 12. 13. and saith his Kingdome is not of the world, *John* 18. 36. and the Disciple is not above his Master, *Mat.* 10. 24. and *Acts* 6. The Apostles refuse to intermeddle in the Deacon or Churchwardens office, though of all earthly imployments the neerest to the Church; and the reason they give is remarkable for this purpose, because they were to attend to Prayer and Administration of the word, and therefore not meet for them to attend such secular matters, and 2 *Tim.* 2. 4. The Apostles laies down a rule in this case, that *nemo militans Deo se implicat negotiis hujus seculi*, and upon this ground, even the Popes Canon-laws are against these things, as inconsistent with the ministeriall function. And the due execution of the commission, Goe preach and baptize, is of it selfe burthen and work enough for any man whatsoever his gifts and parts be, and made *Paul* though of a more excellent and able spirit, cry out under the sense of the waight of it, Who is sufficient for these things? 2 *Cor.* 2. 16.

Secondly,

Secondly, it is against the fundamentall Laws of this Land, whereby they that are within holy Orders, that they may the better attend upon, and discharge their duties, are not to be intangled with temporall businesse, and therefore if any such be chosen to any temporall office, the Law hath ordained a writ to discharge them thereof, *Reg.* 187. 6.

*Non est consonum quod ille qui salubri statui animarum & piis operibus continue deservit ad insistendum in secularibus negotiis compellatur. vide the writ.*

The King may command the service of men in orders, and then it is to be given him by naturall allegiance.

This rule admits two exceptions and both are in this case: first, except the service from that person be against the Law of God as here it is, and then it is better obey God then man, *in præsentia majoris cessat potestas minoris.*

Secondly, if the service concern the Common-wealth, and the person of whom it is required, be not sufficient for it, nor brought up unto it, the command is against Law, and the service not to be done, if the King grant the Office of the Clarke of the Crown to one not brought up to it, it is void, and the service not to be intermedled withall by him, 9 *Ed.* 4. 56. *Winter's* case.

Secondly, that part of the Bishops spirituall office by which he claimeth superiority over Presbyters ought to be taken as I conceive from them as being against the will of God.

The Apostles questioning among themselves which should be the Superior, are sharply reproved by our Saviour for it, and he tels them plainly it shall not be so among them, *Mark* 10. 42. *Luke* 22. 25. and *Diotrephes*, 3 *Joh.* 9. is branded for it, that he sought preheminence in the Church. The mystery of iniquity in the Popish Hierarchy, in the Presbyters exalting themselves, began to work in the purest primitive times, as we see in *Diotrephes*, and *Peters* caveat, 1 *Pet.* 5. 3. and never left till it came to the Pope, the highest degree and top thereof. By which it seems to me evident, that to leave the pattern of Church government set down in the word of

2 Thes. 2. 4. 7.

God,

God to follow the examples of after ages upon a falſe cry of primitive times, is to forſake the pure fountain, and wallow in the muddy and corrupted ſtreams of antichriſtian ambition.

Thirdly, that part of the ſpirituall office of the Biſhop whereby he is to inſtruct the people committed to his charge, with the holy Scriptures, as upon the 2 queſtion put unto him at his Conſecration, he undertakes to doe, ought (as I conceive) to be reduced to a poſſibility for him to performe it. It is impoſſible for him to doe it to a whole Dioceſſe, therefore he ſhould be limited to ſome particular Congregation, unto which he might perform this truſt, which requires ſufficiency, attendance and diligence.

Fourthly, Ordination in the ſcriptures is ever expreſſed to be by them in the Church, that had authority and were officers in the Church, as Apoſtles, Evangeliſts and after by the Presbytery, 1 *Tim.* 4. 14. 2 *Tim.* 1. 6. And a ſhadow of this remains in our Law, for the Biſhop only is not to lay hands upon the party to be ordained, but the Presbyters there attending are to joyn with the Biſhop therein. This I conceive is not fit to be in the hands of any one ordinary officer in the Church, the diſcerning of the gifts, abilities and faithfulneſſe of perſons to be ordained Presbyters, requiring great judgement, care, and circumſpection. *Plus vident oculi quam oculus.* The like I ſay of deprivation.

Acts 14.23. Titus 1. 5, 6, 7.

Books of ordering Prieſts.

Fiftly, Excommunication by the Scriptures ought to be only in caſe of enormous offences and obſtinacy in them, and onely in the Congregation whereof the party to be Excommunicate is a member, 1 *Cor.* 5. 4. Tell the Church cannot be meane of one man, *Mat.* 18. 17. *Diotrephes* is branded for taking upon him alone to caſt any out of the Church. This alſo abuſed as well as, uſurped by the Biſhop is to be reformed.

Sixtly, Inſtitution and induction are uſurped by the Bi-

Bishops upon the fundamentall Laws of this Kingdome, by which the Patron after his Clerk was ordained, did without any more invest him into the Church. See *Selden* of tithes 86. And a relick of this we retain still in Churches that be donatives.

Seventhly, The jurisdiction of tithes, causes matrimoniall, and causes testamentary In the times of the increasing power of the Pope, when the Bishops thereby grew more formidable, were taken from the Civill Magistrate to whom originally they belonged, upon pretence, that the tithes were *Jure divino*, the Churches patrimony and Mariage a Sacrament, and that the disposing the goods of the dead, most properly belonged to him for the good of the soule in Purgatory to redeem it thence, to whom the cure of the Soule appertained in his life time, *vide* 2 *R.* 3. *Testament* 4. 11 *H.* 7. 12 *B. Plowden* 279. *B. Foxes c. Cok. rep.* 9. 37. *B. Hexstons ca. Dames rep.* 97. *B. Lakers c. Selden* of tithes, 415.

Eighthly, The matters which are meerly and only spirituall, (which are properly of Ecclesiasticall cognizance) were anciently by the Lawyers of this Kingdome, heard and determined in the County and hundred Courts by the Sheriffe and the Bishop, and by *William* the Conqueror these matters were taken thence and appropriated to the Bishop alone, 2 *R.* 2. *Rotul. Parliament*, num. 22. *Selden* of tithes 212. Booke of Martyrs, 154.

And by the Law of God (as I conceive) they ought to be heard & determined by them that have rule in the particular congregations and Churches, *Mat.* 18. 17. 1 *Cor.* 5. which if it were so among us would be a wonderfull ease, and save great charges to the Subject.

And where the difficulty of matter or greatness of the person upon it may concern, or drive the Governours in particular Congregations demean not themselves as they ought, it ought to be referred to a Synod of Presbyters, so many as shall be thought meet, as *Acts*, 15.

question of difficulty arising in the particular Church of *Antioch*, and the dissention growing great about the same, they sent to *Hierusalem*, and there the Apostles and Presbyters convened, debated, concluded, and decreed the matter, and imposed the observation thereof upon *Antioch* and other Churches, *Act.* 15. 6. 28. The Apostles would not meddle in the question without the Presbyters, and other Bishops there were none there, nor in the Churches. And *feliciùs expediuntur negotia commissa pluribus*, in the multitude of Counsellors there is safety, *Proverb.* 11. 14.

And the change of our Laws (in case this House shall see cause for it) will not be so great or difficult as is conceived by some. For ordination, admonition, suspension and deprivation of Presbyters, and the judgement of the fitnesse of persons to be invested into Benefices Ecclesiasticall, and the care of providing for the serving of Cures during the vacancy and avoydance of Churches, and taking of the subscription of Ministers to the Articles of Religion: and the visiting of Hospitals, whose Founders have appointed no visitors, which are now in the Bishop, may be settled in a convention of Presbyters, to be appointed for every hundred, from whom appeale may be had upon every gravamen to a greater Assembly of them, and those Presbyters, or any one of them, may be inabled to give the Oathes of Supremacy and allegeance, where the Bishop is authorised to give the same. And Excommunication may be ordered to be certified by the Parson, Vicar or Stipendary of that Church where the party is excommunicate. And all Churches presentative, may be filled by investure of the Patrons, and all questions concerning them be determined by the same rules of law as Donatives are. And lastly, Matrimony be tryed by a Jury where the woman is party to the suit, as now it is where she is not party, *Lo. 3. 13. p. 5. 11. H. 4. 4. B. 30.* and as it is now, where the issue is

13 Eliz. cap. 12.
14 Eliz. cap. 5.

5 Eliz. c. 1.
7 Jac. cap. 6.



Nimi

*Nient ſa femme*, 12. *E.* 3. Briefe 481. 50. *E.* 3. 15. *B.* 7. *H.* 6. 12. June 35. *H.* 6. 9. P. 10. *Coke* 8. *E.* 4. 12. a *Eaton*: And Baſtardy generall & Baſtardy beyond Sea, within the Statute, 25 *E.* 3. *De nat is ultra mare*, may be made tryable by Jury, as now ſpeciall Baſtardy is 11 Aſſ. 20. 38. aſſ. 24. 39. *E.* 3. 31. 6. & 7. *Ed.* 6. *Dier.* 79. P. 52. So tithes may be reduced to the Common Law and be ſued for there, as it was ever in the caſe of the King or his Debtor 38. aſſ. 20. *Cok. r.* 5. 16. a *Cawdrits* caſe, and as it is by the Statute of 2 and 3 *E.* 6. cap. 13. And for the Biſhops attendance on tryals of life, it is needleſſe, he being no Judge in it, but the Court, who may appoint any other, or doe it themſelves. And for Sacring of Churches and other dead things, it is fit to be neglected and left off, being a Popiſh vaine ſuperſtition, and without colour of countenance from the word of God, the Leviticall conſecrations being typicall and ſhadows of the good things we enjoy under the Goſpel, *Heb.* 9. 19. &c.

The Biſhop being thus reformed and reduced to a condition and ſtate agreeable to the word of God, the only right rule of reformation:

The Deans, Chapters, Vicars Generall, Chancellors, and the reſt of his Traine, *qua tales* (being *telluris inutile pondus*) are to be removed and taken away alſo as ſuperfluous and uſeleſſe. 25 Exod. 9. 40. 1 Chron. 28. 11. 19. Ezek. 43. 10. 2 Cor. 4. 6.

We have intruſted the Epiſcopacy theſe foureſcore and two years with the cure of Soules, a truſt of the higheſt concernment, if we conſider the price of Souls. Our Saviour is at a ſtand in it, *What ſhall a man give in recompence for his Soule?* the price of it is beſt ſeen in the price given for it, God and man muſt become a ſurſe to redeem it. Mat. 16. 26.

How have they diſcharged this truſt? Survay the Churches throughout the Kingdome, and you ſhall finde neer eight parts of tenne of them filled with Idoll,

idle, or scandalous Ministers, whom the Bishops might have by law refused, if discovered unto them beforehand, and ought to have removed being discovered unto them afterwards. And it hath abundantly appeared this Parliament upon examinations taken in this House of Commons and the Committees thereof, that when Ministers extreamly scandalous, have been discovered to the Bishops and their Officers, and in the High-commission Court, they have received no further censure then admonition, or to be put to purgation, and so sent home to destroy more Soules, as if they had not done sufficiently in that way before.

But if any godly, learned, and painfull Preacher hath been discovered by them, they have sought out all occasions against such, to thrust them out of the Church, and lay their Congregations waste and desolate, and every trifle, though indifferent in their own account, hath been made use of, and sufficed them for this, yea, they have made occasions and traps to overthrow such worthies without Law and against Law.

And herein they have inherited the vertues of *Diotrephes* their first Predecessor, who would not receive the brethren, and forbad them that would, and cast both out of the Church, 3 *John* 10.

And though some of the Bishops have been and are good men, yet look into their Dioceſſe, and the Churches in their gift, and judge whether they be good Bishops or no, you shall finde them as faulty concerning this great trust as any of the rest. And whether it be not from hence evident, or at least greatly to be suspected, that some curse cleaves to the very Office of Bishops, when good men cannot manage it to any better purpose then the bad, let any man judge.

This Spirituall Monarchy hath two incidents inseparable unto it, first that it is alwayes incroaching and usurping upon other powers, and swallowing them up,

as the *series* of all ages aboundantly manifests. Secondly, that it is ever inclining and returning to Popery, and the Religion of Antichrist, as hath most cleerly appeared, even in our daies as well as before since the restoring of Religion; I shall for this time instance onely in three places of the Rubrick corrupted by Bishops: In the Rubrick confirmed by act of Parliament, in the beginning of it, It is directed, that prayer shall be in such place of the Church or Chancell, and the Minister shall so turne him, as the people may best heare.

In the Rubrick as it is now Printed, prayer shall be used in the accustomed place, &c. except it shall be otherwise determined by the Ordinary.

Whereby they have introduced the Popish practice of reading Prayers at the upper end of the Chancell at their Altar, where few in the Church can see them, and fewer heare them, and turning their faces to the East, and their backs to the people in reading in the Desk, and colour all with the determination of the Ordinary.

Secondly, in the Letany, there are these words in the book of Common prayer confirmed by the Statutes of 5. and 6. *Ed.* 6. and of 1 *Eliz.* From the tyranny of the Bishop of *Rome*, and all his detestable enormities, good Lord deliver us; and that the Bishops in the latter books have caused to be left out wholly.

Thirdly, in the Rubrick concerning the administration of the Lords Supper, as it stands now altered, an excellent declaration of the reason why kneeling at this Sacrament was left in the reformation, and a renunciation of Transubstantiation, Consubstantiation, adoration of the bread and wine, as abhominable Idolatries, are wholly obliterate and left out, that the use of that gesture there might be rendred the more suspicious and superstitious, and a more clear way might be made, to induce the Popish superstitious innovations, that have been since obtruded upon us, concerning the Table,

Altar, ſupereminent preſence of God almighty there, cringings, Altar-worſhip and the like. And I conceive alterations were made by the Biſhops, as appeares unto me by the Proclamation they procured to be ſet forth 5. *Martii*, 1. *Jac.* concerning the booke of Common prayer.

And how can things proſper better in the hands of the Epiſcopacy, when Gods bleſſing alone giveth out proſperity, and the Lord diſpoſeth his bleſſing in his owne way only, and not in any other?

And this being no plant planted by God in his Church, how can it be expected it ſhould yeeld us any better fruits then we have received from it?

Againe, (if I be not much deceived) the Epiſcopacy in whatſoever it exceeds the Presbyters office (in which ſenſe only I ſpeak of it) is a branch of the Hierarchy of *Rome*, and of the Antichriſt: and of that conſider what is propheſied *Revel.* 14. 11. They ſhall not have any reſt day nor night, that receive any print of the name of the Beaſt; and examine the former and preſent times, whether the ſame hath not been verified among us, and in all ſuch places where that Hierarchy hath been entertained, whether the moſt troubles and miſeries of the Churches, and in great part alſo of the Common-wealth, have not ſprung from the ſaid Epiſcopacy and the fruites thereof?

Therefore let us proceed to the perfecting of the Reformation of our Church, and to the gathering out of it every ſtone that offends, even whatſoever is not according to God, and the ſtandard of his word, and reduce every thing in the government to the rule, and walke in it in Gods way, which is the ſure way to have his preſence with us, and bleſſing upon us and ours for ever.

It hath ever been a point of higher honour from God, and of greater acceptance and eſteem with him to ad-

vance the reformation of his Church and worship; and was & ever will be a reproach from him, and blot upon such as have left any thing not agreeable to his word unreformed, and not taken away: Up then let us be doing, and the Lord will goe before us, and make plain all mountains that may occurre in our way, and give a blessed issue and successe.

2 Chro. 17. 4 & 34. 33. 1 Kings 15. 14. 2 Kings 12. 3. 1 Cron. 28. 18. Zac. 4. 7.

19

# SIR IOHN ELIOT

HIS

GRAVE AND LEARNED

# SPEECH

Spoken in the High Court of

# PARLIAMENT.

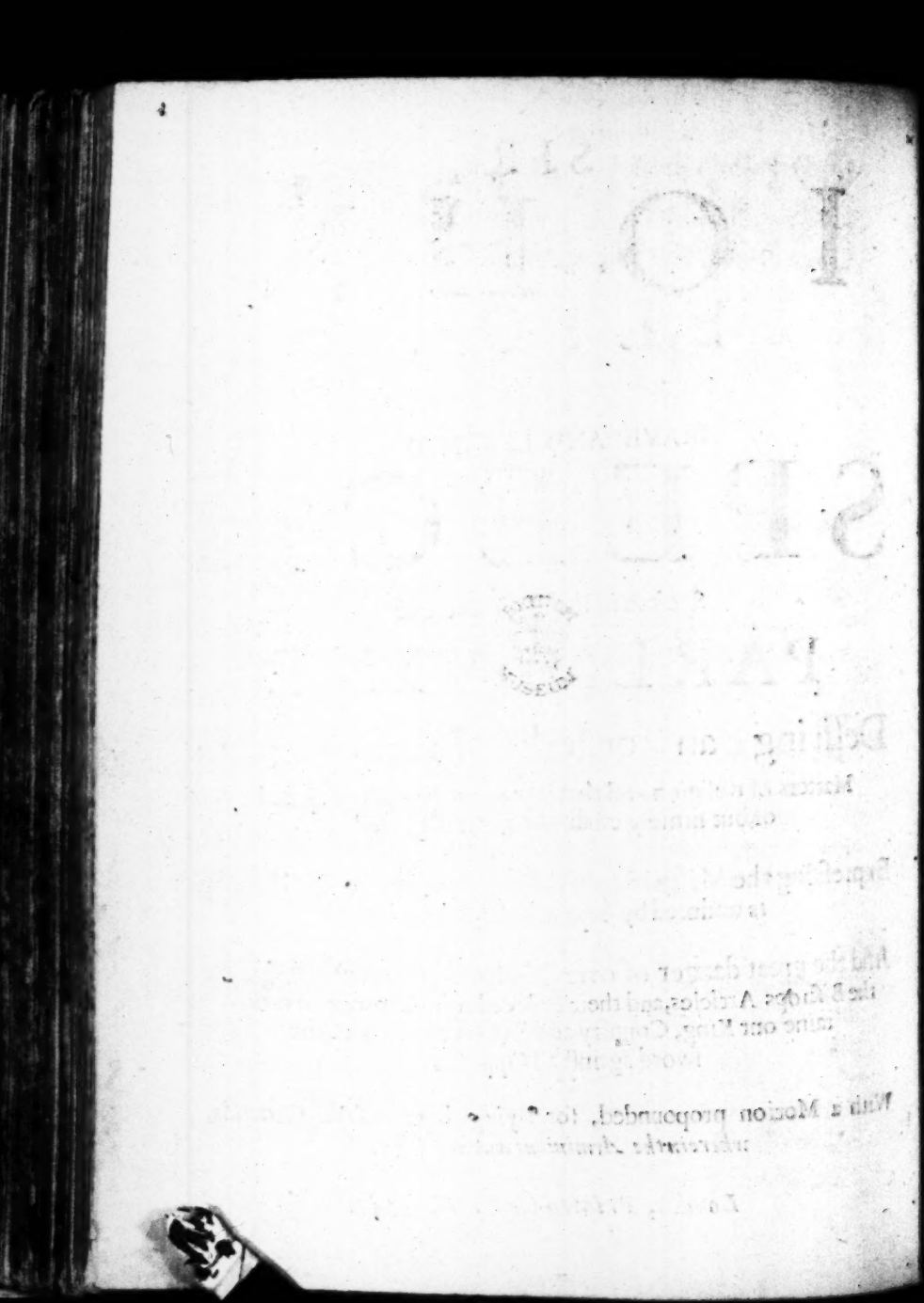
Desiring an orderlie Proceeding in Matters of Religion, and that it may not be onely disputed of, but firmely established, as it ought to be.

Expressing the Misprision and Errour, whereby his Majesty is traduced by evill Members about him.

And the great danger of over-whelming that we were in, by the Bishops Articles, and their Proceedings. Exhorting to maintaine our King, Country and Religion, even with the sword against all Opposers.

With a Motion propounded, for laying downe of the Grounds, *wherein the Arminians and wee differ.*

*London, Printed for V. V.* 1641.



# SIR JOHN ELIOT

## HIS

Grave and Learned Speech in Parliament.

I Have alwayes obſerved in the proceedings of this Houſe, that our beſt advantage is in order, and I was very glad, when that noble Gentleman, my Country-man, gave occaſion to ſtay our proceedings; for I feare, it would have carryed us into a ſea of confuſion, and diſorder, I having now occaſion to preſent to you in this great & weighty matter of Religion: I ſhall be bold to give you a ſhort expreſſion of mine owne affection, and in that order, that I hope will conduce to the effecting of our worke, and direct our labour to an end.

To enter into a particular diſcuſſion of the writing of the opinion of the Divines, I feare, it will involve us into a Labyrinth, wee ſhall hardly get our, and perchance, hinder the way, and darken the path, in which we muſt tread. Before we know what other men have declared, it is neceſſary wee ſhould preſently lay down what is the truth. And, as I preſume, we come not hither now to diſpute of religion, farre be it from the thoughts of this

church, that have thus *long continued, and confeſſed now to diſpute*. Shall poſterity think, that we have enjoyed our *Religion foureſcore* yeares almoſt, and are now doubtfull of the ſenſe? *God forbid*. It may be, Sir, out of ſomething lately delivered, I have not unneceſſarily collected, that there is a jealoſie conceived, as if wee went to deale in matters of Faith; *it is our profeſſion*: this is not to be diſputed; neither will that truth be receded from this long time held, nor is that truth decaied. It is confirmed by *Parliament*, becauſe it was truth. And in this, before I ſhall come to deliver my ſelf more particularly, give me leave, that have not yet ſpoken in this great cauſe, to give ſome apprehenſions that I have of few; for it is not in the *Parliament* to make a new religion, nor I hope ſhall it be in any to alter the body of that truth we now profeſſe. I muſt confeſſe, Sir, among all the feares we have contracte, there ariſeth to me not one of the leaſt dangers in the *Declaration*, which is made & publiſhed in his Majeſties name.

And yet notwithſtanding this *Concluſion excluſively*, let me ſay, that I may not be miſtaken, that either in that, or other things ſhall appeare to carry mention of his Majeſty. We have not the leaſt jealouſie in him, we have that comfort in his piety and goodnes, as if there be any miſpriſion or *error*, I hope it is by thoſe Miniſters about him, wch not onely he, but all Princes are ſubject unto. And to cleere that Princes are ſubject to miſinformation, and many actions may bee intituled to their owne names, when there is no ſuſpition of it to be done by themſelves: but give mee leave to looke

backe

back to presidents of other times, and what I find in other ſtoryes, may be uſefull in theſe.

*Antiochus* of *Aſia* ſent Letters unto his Provinces, if they received any diſpatches in his name, not agreeable to Juſtice, *Ignoto ſe literas eſſe ſcriptas, ideoque non parerent*, I find by *Plutarch* of the great King *Antiochus* of Aſia, who ſaith, that *Princes* are obnoxious to abuſes of Miniſters, and it could not at all times be prevented: therefore he ſent Meſſengers, that Letters, or Diſpatches ſent in his name, that were not warrantable by Law, and agreeable to Juſtice, ſhould not be conceived to bee done by him, and therefore they ſhould not give way unto it.

Sir, I find another *booke*, and I beſeech you, let it be apprehended; for I hope I ſhall cleere ſome miſpriſions. *Gratian* did not onely note and confeſſe the ſame, but added the reaſon alſo, which the Maſters of the Civill Law can alſo teſtifie, from their *bookes* wherein it is thus expreſſed, *Quod inveretundia potentium in inſtigationt, principes ſæpe reſtringuntur ut non concedenda concedant*; becauſe that oftentimes with importunity of Miniſters, & thoſe about them, Princes are drawne to grant things not fit to be granted. As it was in that, ſo it may be in this. I ſpeake it to this end, to draw this *concluſion*; that if there bee any thing that carryes the title of his Majeſty, it may bee the fault of his Miniſters: far be it from me to have any ſuſpition of him.

And now to that particular, in the Declaration, wherein I confeſſe, it is an apprehenſion of more feare, then I have in all the reſt; for in the reſt of the particulars, we heard what was ſaid of popery and Arminianiſme. It is true, our faith and religion is in danger, but it is by degrees. Here, Sir like an inundation doth breake in at once, that we are in danger to be ruined & overwhelmed.

For I beſeech you, mark the ground of our religion, it is coutained in the body of theſe Articles. If there be any difference of opinion concerning the ſenſe and interpretation, the Biſhops & Clergy in the Convocation, have power admitted them to do any thing that ſhall concerne the continuance, & maintainance of the truth profeſſed, which truth being contained in theſe Articles, and theſe being different in the ſenſe: ſo as if there be any diſpute about it, it is in them to order which way they pleaſe: *and for ought I know, to Popery, or Arminianiſme, may be a ſenſe introduced by them, and then it muſt be received.*

Js this a ſleight thing, that the power of religion muſt be drawn to the perſons of theſe men? I honour their profeſſion, and honour the perſons; but give me leave to ſay the truth, what wee profeſſe, is not mens but Gods: And God forbid, man ſhould be judg of that truth. Look upon the concluſion they have made, and from thence J draw their Arguments. J remember a Character I have ſeene in a Dyary of *Edw.* the *6.* that young Prince of famous memory, wherein he doth expreſſe the condition of the Biſhops and Clergy of his time, and ſaith under his owne hand-writing; that ſome for ſloath, ſome for age, ſome for ignorance, ſome for luxury, and ſome for Popery, were unfit for Diſcipline and Government.

Sir, I would it were not ſo with us, nay give me leave to vindicate the honour of thoſe men, that openly ſhew their hearts to the truth. There have bin Biſhops, ſuch who were fit to be made examples

ples to all ages, who have ſhone in vertue like thoſe two faithfull witneſſes in heaven, of whom we may uſe that Elegy, *which Seneca did of Camius* that to their memory and merits, *Ne hoc quidem obſtet, quod noſtris temporibus nati ſunt.* To whoſe glory, I may uſe the ſaying, others faults are no prejudice to their vertue, who are ſo induſtrious in their works. But that ours now, are not ſuch, ſo free, ſound, & Orthodox in religion, as they ſhould be: *witneſſe the man nominated lately.* I apprehend ſuch fear, that ſhould it be in their power, we may be in danger to have our religion overthrown: but I give this for teſtimony. And thus far to expreſſe my religion, againſt all the power or oppoſition of theſe men, or whatſoever oppoſition ſhall be, we ſhall ſtill maintaine that religion we profeſſe, for that we have bin born and bred in, nay if cauſe be, in that to dye. Some of theſe, Sir, are Maſters of Ceremonies, and they labour to introduce new Ceremonies into the Church, I hope wee ſhould draw our ſwords, to defend our Prince, Country, and religion, againſt all *Oppoſers*.

This *I* ſpeake out of the care *I* have to preſerve the honour of our King againſt them, who by theſe *Innovations, I* feare, have ſought to undermine it.

But to come to the manner and method of our proceeding, having made this expreſſion: wherein if I have tranſgreſſed the rule propounded, *I* crave your pardon. *I* deſire to avoid *confuſion*, and *diſtraction*, and that wee may goe preſently to the ground of our *Religion*, and lay downe that rule, wherein all others reſt; and when that is done, it

will

will be time to take into *consideration* the Breakers and Offenders against this rule in the next place; for before wee have laid downe that, our worke will be in vaine.

Therefore lay downe the profession wherein we differ from Arminianisme, and in that I shall be ready to deliver my opinion.

**And this is my humble Motion.**

# FINIS.

# Sr. HENRY VANE HIS SPEECH

In the Houſe of Commons, at a Committee for the Bill againſt

## Epiſcopall-Government,

Mr. HIDE ſitting in the CHAIRE.

*June* 11. 1641.



LONDON,
Printed for *Francis Conſtable*,
1641.

# SPEECH

In the House of Commons, at a Committee for the Bill [illegible]

## Episcopall-Government,

By Mr. H[illegible] speaking in the Chair.

LONDON,
Printed for Francis Coules.

# Sr. HENRY VANE HIS SPEECH,

## At a Committee for the Bill against Episcopall Government, *June* 11. 1641.

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Master *Hide*,

THe debate we are now upon is, whether the Government by Arch-bishops, Bishops, Chancellors, &c. should be taken away out of the Church and Kingdome of *England*: for the right stating wherof, we must remember the vote which past yesterday, not only by this Committee, but the House, which was to this effect: That this Government hath bin found

by long experience, to be a great impediment to the perfect reformation and gowth of Religion, and very prejudiciall to the civill State.

So that then the Question will lie thus before us, Whether a Government, which long experience hath set so ill a Character upon, implying danger, not only to our Religion, but the civill State, should be any longer continued amongst us, or be utterly abolished? For my owne part, I am of the opinion of those, who conceive that the strength of reason already set downe, in the Preamble to this Bill, by yesterdayes vote, is a necessary decision of this Question: For one of the maine ends for which Church-government is set up, is to advance and further the perfect reformation and growth of Religion; which wee have already voted, this Government doth contradict; so that it is destructive to the very end for which it should be, and is most necessary and desireable; in which respect certainly we have cause enough to lay it aside, not onely as useleſſe, in that it attaines not its end, but as dangerous, in that it destroyes [illegible] does it.

In the second place, we have voted it prejudiciall to the civill State, as having so powerfull and ill an influence upon our Laws, the Prerogative of the King, and liberties of the Subject, that it is like a spreading leprosie, which leaves nothing untainted, and uninfected which it comes neere.

May we not therefore well say of this Government, as our Saviour in the fifth of *Matthew* speaks of salt (give me leave upon this occasion to make use of scripture, as well as others have done in this debate) where it is said that salt is good, *but if the salt hath lost its savour, wherewith will you season it? It is thenceforth good for nothing, but to be cast out, and trodden under foot of men*: so Church-government, in the generall, is good, and that which is necessary, and which we all desire; but when any particular forme of it hath once lost its savour, by being destructive to its owne ende, for which it is set up, (as by our vote already passed we say this hath) then surely, Sir, we have no more to doe but to cast it out, and endevour the best we can, to provide our selves a better.

But to this it hath beene said, that the Government now in question, may be so amended and reformed, that it needs not be quite quite downe or abolished; because it is conceived, it hath no originall sinne, or evill in it: or if it have, it is said, regeneration will take that way.

Vnto which I answer, I doe consent that we should do with this Government, as we are done by in regeneration, in which all old things are to passe away, and all things are to become new, and this we must doe, if we desire a perfect reformation, and growth of our Religion, or good to our civill state. For the whole Fabrick of this

building is so rotten and corrupt, from the very foundation of it to the top, that if we pull it not down now, it will fall about the eares of all those that endevour it, within a very few yeares.

The universall rottennesse, or corruption of this government, will most evidently appeare by a disquisition into these ensuing particulars.

First, Let us consider in what soile this roote growes: Is it not in the Popes Paradise? doe not one and the same principles and grounds maintaine the Papacie, or universall Bishop, as doe our Diocesan or Metropolitan Bishops? All those authorities which have beene brought us out of the Fathers and antiquity, will they not as well, if not better, support the Popedome as the order of our Bishops? So likewise all these arguments for its agreeablenesse to Monarchy, and cure of Schisme, doe they not much more strongly hold for the acknowledgement of the Pope, then for our Bishops? and yet have Monarchies beene ever a whit the more absolute for the Popes universall Monarchy? or their Kingdomes lesse subject to schismes and seditions? whatsoever other kingdomes have beene, I am sure our Histories can tell us, this Kingdome hath not: and therefore we have cast him off long since, as hee is forraine, though we have not beene without one in our owne bowels. For the difference betweene a Metropolitan, or Diocesan, or universall Bishop, is not of kinds, but of degrees: and a Metropolitan or Diocesan Bishop is as ill

able

able to performe the duty of a Pastor to his Diocesse or Province, as the Universall Bishop is able to doe it to the whole world: For the one cannot doe but by Deputies, and no more can the other; and therefore since we all confesse the grounds upon which the Papacy stands are rotten, how can we deny but these that maintain our Bishops are so too, since they are one and the same?

In the second place, let us consider by what hand this root of Episcopacy was planted, and how it came into the Church.

It is no difficult matter to finde this out; for is not the very spirit of this order, a spirit of pride, exalting it selfe in the Temple of God, over all that is called God? First exalting it selfe above its fellow Presbiters, under the forme of a Bishop; then over its fellow Bishops, under the title of Archbishops, and so still mounting over those of its own profession, till it come to be Pope, and then it sticks not to tread upon the necks of Princes, Kings, and Emperours, and trample them under its feet. Also thus you may trace it from it first rise, and discerne by what spirit this order came into the Church, and by what doore, even by the back doore of pride and ambition, not by Christ Jesus. It is not a plant which Gods right hand hath planted, but is full of rottennesse and corruption; that mystery of iniquity, which hath wrought thus long, and so fit to be plucked up, and removed out of the way.

Thirdly,

Thirdly, Let us consider the very nature and quality of this tree, or root in its selfe, whether it be good or corrupt in its owne nature, we all know where it is said, *A good tree cannot bring forth corrupt fruit, nor a corrupt tree good fruit. Doe men gather grapes of thornes, or figs of thistles?* By its fruit therefore we shall be sure to know it; and according as the fruit of the Government have beene amongst us, either in Church or Common-wealth, so let it stand, or fall with us.

*In the Church.*

AS it selfe came in by the back doore into the Church, and was brought in by the folly of Antichrist, so it selfe hath been the back-doore and in-let of all superstition and corruption into the worship and doctrine of this Church, and the meanes of hastening us back againe to Rome. For proofe of this, I appeale to all our knowledges in late yeares past, the memory whereof is so fresh, I need enter into no particulars.

A second fruit of this Government in the Church, hath beene the displacing of the most godly and Conscientious Ministers; the vexing, punishing, and banishing out of the Kingdome, the most religious of all sorts and conditions, that would not comply with their superstitious inventions and ceremonies; in one word, the turning the edge and power of their Govern-

ment,

ment againſt the very life and power of Godlineſſe; and the favour and protection of it unto all prophane, ſcandalous, and ſuperſtitious perſons that would uphold their party. Thouſands of examples might be given of this, if it were not moſt notorious.

A third fruit hath been Sciſme and Fractions within our ſelves, and Alienation from all the reformed Churches abroad.

And laſtly, the prodigious monſter of the late Canons, whereby they had deſigned the whole Nation to a perpetuall ſlavery and bondage to themſelves, and their ſuperſtitious Inventions. Theſe are the fruits of the Goverment in the Church. Now let us conſider theſe in the Civil State: As:

1 The countenancing all illegall Projects and proceedings, by teaching in their pulpits the lawfulneſſe of an arbitrary Power.

2 The overthrowing all proceſſe at Common Law, that reflected never ſo little upon their Courts.

3 The kindling a warre betweene theſe two Nations, and blowing up the flame, as much as in them lay, by their Councels, Canons, and Subſidies they granted to that end.

4 The plots, practiſes, and Combinations during this Parliament, in all which they ſeeme to have beene intereſted more or leſſe.

Thus have they not contented themſelves with encroachments upon our ſpirituall priviledges,

but have envied us our Civill freedome, desiring to make us grind in their mill, as the *Philistims* did *Sampson*, and to put out both our eyes. O let us be avenged of these *Philistims* for our two eyes!

If then the tree bee to be knowne by its fruits, I hope you see by this time plainly the nature and quality of this tree.

In the last place, give mee leave for a close of all to present to your consideration the mischiefes, which the continuance of this Government doth threaten us with, if by the wisdome of this Committee they be not prevented.

1 The danger our Religion must ever be in, so long as it is in the hands of such Governours, as can stand firmly in nothing more than its ruine; and whose affinity with the Popish Hierarchie makes them more confident of the Papists, than the professors of the reformed Religion, for their safety and subsistence.

Secondly, the unhappy condition our civill State is in, whilst the Bishops have vote in the Lords house, being there as so many obstructions, in our body Politike, to all good and wholsome Lawes tending to salvation.

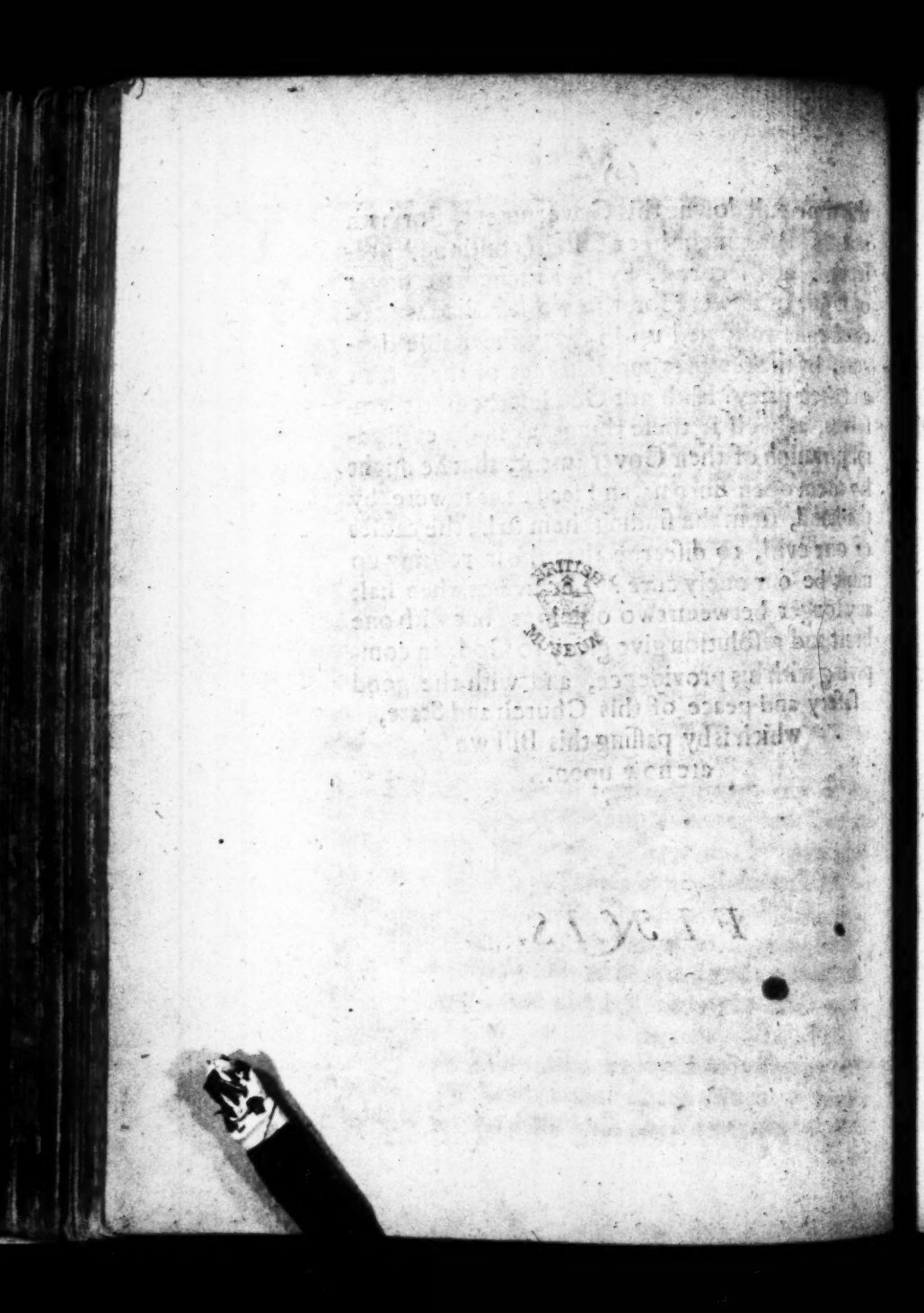
Thirdly, the improbability of setling any firme or durable peace, so long as the cause of the war yet continues, and the bellowes that blow up this flame.

Lastly, and that which I will assure you goes nearest to my heart, is the check which we seem to give to Divine Providence, if we doe not at

this

this time pull downe this Government. For hath not this Parliament been called, continued, preserved, and secured, by the immediate finger of God, as it were for this work? had we not else been swallowed up in many inevitable dangers, by the practises and designes of these men and their party? Hath not God left them to themselves, as well in these things, as in the evill administration of their Government, that he might lay them open unto us, and lead us, as it were, by the hand, from the finding them to be the causes of our evill, to discerne that their rooting up must be our onely cure? Let us not then halt any longer between two opinions, but with one heart and resolution give glory to God, in complying with his providence, and with the good safety and peace of this Church and State, which is by passing this Bill we are now upon.

FINIS.



# Mr. THOMAS PVRY ALDERMAN OF GLOCESTER his SPEECH,

UPON

That clauſe of the *Bill* againſt *Epiſcopacy*, the which Concernes *Deanes*, and *Deanes* and *Chapters*, at a COMMITTEE of the whole *HOVSE*.

Printed in the yeare 1641.





Mr.

# THOMAS PVRY

*Alderman* of *Glouceſter* his SPEECH,

Vpon that Clauſe of the *Bill* againſt EPISCOPACY; the which concernes DEANES, and DEANES and CHAPTERS at a *Committee* of the whole *Houſe*.

Mr. HIDE,

I Riſe not up to Anſwer the Arguments of the Learned Gentleman of the long robe that ſpake laſt, the which were to prove ſome Incoherence of the Preamble with the body of the Bill concerning the aboliſhing of Deanes and Chapters in reſpect of their government in the Church of *England*, who have none at all, as hath beene argued, but there are ſome Reaſons ſticke with me, whereby I doe conceive, that the Deanes and Chapters have beene, and are

part of the Government of the Church of *England*, and that the preamble, and body of this Bill, therein may very well ſtand together; for if you take the Deanes and Chapters in their Originall, who (as it was ſaid by a learned Sergeant over againſt me) were firſt founded in ſuperſtition alike to your Regular and Secular Monkes; or if you conſider them as in their prime inſtitution to be *Conſilium Epiſ.* to aſſiſt Biſhops in their Government and Diſcipline; or if you looke upon thoſe Deanes and Chapters of the laſt Foundation by *Henry the eight*: yet certainely they are in all theſe capacities a part of the government of the Church of *England*; and as well the Rurall, as the Cathedrall Deanes are numbred by our owne Writers among Church Governors, and they are in and among themſelves a part of the Church Government, and by the Booke of Reformation of Eccleſiaſticall Lawes they are to governe themſelves according to their Statutes of Foundation, and to keepe them pure and entire, ſo farre as they are not repugnant to the Word of God, and our Conſtitutions of Religion. And for the better Satisfaction of this Committee and my ſelfe, here is a Copy of the Statutes Grant, and Foundation of the Deane and Chapter of the city of *Glouceſter*, I have read them over, and doe finde, firſt the end wherefore the Lands and Poſſeſſions were granted unto them. Secondly, the manner and

ſorme of Gevernment of themſelves. And laſtly, their ſeverall Oathes to keepe all the Statutes preſcribed unto them: And becauſe of my weake memory, pleaſe you to give me leave to reade the words in the Kings Grant, *Engliſhed* thus;

Wee have erected and conſtituted Cathedralls and Colleges in the place of Monaſteries, to the end, that where Ignorance, and Superſtition did raigne there; the ſinceere Worſhip of God ſhould flouriſh, and the holy Goſpell of Chriſt Ieſus ſhould be dayly and purely Preached. And further, that the increaſe of the Chriſtian Faith and Piety, the inſtruction of youth in good learning, and the ſuſtentation of the poore ſhould be for ever there kept, maintained & continued; and the ſaid Deane, Prebends, Cannons, and all other perſons belonging to the ſaid Cathedralls and Colledges, are to be governed and ruled according to the Statutes preſcribed unto them.

Sir, the Statutes are many, I will in brieſe tell you the ſubſtance of ſome few of them. The ſaid Deane, Prebends, and Canons, are always to reſide and dwell in the houſes of the ſaid Cathedrialls, and there to keep a Family, good hoſpitality, to feede the poore, and to diſtribute Almes unto the needy, to be carefull to Preach the Word of God, *In ſeaſon, and out of ſeaſon*, and to ſow the ſeede of the Word of God abroad but eſpecially in the ſaid Cathedrall Church,

and to have youth profitable taught there. And to the end that they may all ſerve God, as well at meales as in the Church, they are to have a common Table in the common Hall of the ſaid Cathedrall, where the ſaid Cannons Schollers, Quireſters, and under-Officers, are appointed to eate together, and the ſaid Deane and Chapter, are to give yearely twenty pound to the poore, beſide their owne poore Almſmen, and twenty pound more yearely towards the repairing of Bridges and High-wayes thereabouts.

Sir, for the performance of the ſaid Statutes and premiſes. The ſaid Deane, Prebends Cannons and Miniſters of the ſaid Cathedrall doe, or ought reſpectively to take an Oath; and thereby in expreſſe words do call God to witneſſe, and doe ſweare upon the holy Evangeliſts, to rule, governe and behave themſelves well and faithfully in the ſaid Church, according to the Will and Statutes of the Founder, and every one of them doe ſweare, that he will to his utmoſt power well and faithfully keepe all and ſingular the ſaid Ordinances & Statutes, as much as concernes himſelfe, and will procure all others as much as concernes them to keepe the ſame inviolablely, So helpe him God, and theſe holy Goſpels of God.

Mr. HIDE, You ſee wherefore the Lands were granted unto Deanes and Chapters, what their

their Statutes are, and their Oathes to keepe them: It might be thought that these men doe know no way, another, or nearer way to heaven than they teach us; or otherwise that they would not sit in the seate of Perjury, as it may seeme they doe, without remorse of conscience: For it is notoriously knowne to the city of *Gloucester* and country there abouts, That not one of the said Statutes before mentioned, are, or ever were, during my remembrance, kept, or the matters contained in any of them performed by any of the Deanes or Prebends of the said Cathedrall; They come indeede once a yeare to receive the Rents and Profits of the said Lands, but doe not distribute unto the poore and needy their portion, neglecting altogether the mending of the Highwayes and Bridges, and doe not keepe any common Table at all: and in stead of Preaching the Word of God themselves, *Insaciem, audaces of insanos*, they are, and have beene the chiefe impeachments to hinder the same in others. Infinite are the Pressures that many Cities neare unto Deanes and Chapters, have endured by them, and their procurements. And whereas it was objected by another learned Gentleman of the long robe, That the Deanes and Chapters are a body corporate, and that they have as much right unto their Lay possessions as any other body politicke, or any City or Towne Corporate; I am of his opinion, for such Lands and Pos-

sessions

sessions (if they have any) which they bought themselves in right of their corporation, or for such Lands as were given them for their owne use, and I am well contented that such Lands should be left unto them; but their case is farre different in my opinion; for I have shewed you before, to what godly, pious, and charitable use the said Lands and possessions were granted unto them: And suitable thereunto you may call to minde the *Londoners* Case about *Londonderry* in the *Starrechamber*, where they were fyned 70000. pound to his Majestie, and the same afterwards estrated into his Majesties Exchequer. But upon the Writ of Extent issuing out thereupon, his Majestie, as I have heard, received no benefit of any such Lands, wherof the Corporation was seized for the maintainance of any Hospitalls, Bridges, or other charitable uses, or ought to have done, as I conceive. Seeing therefore the said Deanes and Chapters are but Trustees, and the profits of the said Lands, sould imployed by them, contrary to the trust reposed in them, I am cleare of opinion, that by a Legislative power in *Parliament*, it is fit to take them away, and to put them into the hands of Feoffees to be disposed of to such pious, religious, and charitable uses, as they were first intended: But it was said by a worthy Knight, That hee should be unwilling to take away their Lands and Possessions, untill he first knew how they should be disposed of, and how the person,

who

who were many thouſands in this Kingdome (as he ſaid) that would want bread, ſhould be provided for. Certainely Mr. *Hide* (although that is not the worke at this time) yet I account it no difficulty to ſatisfie that worthy Knight; for I finde upon the ſurvay of the Lands of the ſaid Deanery of *Glouceſter*, that it hath above twelve Rectoryes of good value, & about thirty Vicaredges, Pentions, and Portions of Tithes, which being at the firſt, *Deo conſecrata*, moſt fit they ſhould be ſtill imployed for the maintenance of the Goſpell; and therefore if thoſe Deanes and Prebends being but ſeaven in all to be now taken away, will be Preaching Miniſters, there is, I hope, ſufficient maintenance for ſo many of them as have not too much, beſides and yet to reſerve as large a Salary as now they have for ſo many ſinging men there in holy Orders that cannot Preach. And then there are left to be provided for, but the Organiſt, eight Singing boyes, two Schoole-Maſters, foure poore Almeſmen, and ſome under-Officers, whoſe yearely wages, comes unto about one hundred pound *per annum*; and the ſaid Deane and Chapter have almoſt the third part of the houſes of the City of *Glouceſter* the old rent of them being yearly about 175. pound, which will well defray that charge with a ſufficient Surpluſage for repairing the highwayes, Bridges; and twenty pound yearely to the poore, as aforeſaid.

But over and beſides, the ſaid yearely revenewes before mentioned, the ſaid Deane and Chapter of *Glouceſter*, although but of the laſt Foundation, and one of the leaſt revenewes in this Kingdome, yet they have eighteene goodly Mannors, and alſo divers other Lands, Tenements, and Hereditaments, beſides the Mannors houſes, and premiſes, the old rent of Aſſize of one of the ſaid Mannors being 80. pound *per annum*; out of which Mannors and Lands, the ſaid Cathedrall being to be made a Perochicall Church 200. pound *per annum*, or more may be allowed for a learned Preaching Miniſter there, and a hundred pound a yeare apeice, for two ſuch others to aſſiſt him, with in few yeares, one of the ſaid Mannors will diſcharge, and alſo ſufficiently repaire the ſaid Cathedrall Church; and then the reſt of the ſaid Mannors and Lands may be imployed to other godly, pious, or charitable uſes, as the Wiſedome of the King and Parliament ſhall thinke fit, and ſutable to this, but in a more ample proportion of maintenance, will be the allowances of all other Deaneryes in *England*.

Againe, this I conceive will anſwer another Objection raiſed by a worthy Knight at the Bar touching the poverty of the Clergy of *England*, if this Bill ſhould take effect, ſurely my opinion is quite contrary; and to that purpoſe, I call to minde the ſaying of a learned Divine, Chaplaine to a Noble man, upon ſome conference

with

with him of our wiſhed deſire to remove ſcandalous Miniſters, and to reduce the Impropriations of Biſhops, and Deanes and Chapters to a Preaching Miniſtry, if theſe things, ſaid hee, take effect, the Univerſities, will not be able to ſupply the Churches: And ſurely Sir, if theſe things take effect, I am confident we ſhall be ſo farre from having a poore beggerly Clergy, as that no Kingdome in the Chriſtian world will have a more rich, and flouriſhing Clergy, both for Nurſeries, and incouragements of Learning: and for their maintenance in more plentifull manner than it is at this preſent. Pleaſe you therefore to put the Queſtion, I am ready to give my ayde thereunto.

FINIS.



22

# A SPEECH WHEN MASTER *HIDE* WAS IN THE CHAYRE UPON THE BILL CONCERNING EPISCOPACIE.

K England Common, Hoy Att

LONDON,
Printed 1641.

# A SPEECH WHEN MASTER HYDE WAS IN THE CHAYRE UPON THE BILL CONCERNING EPISCOPACIE.

LONDON,
Printed 1641.

# A SPEECH VVHEN Mr. *HIDE* WAS IN The Chayre upon the Bill concerning Epiſcopacie.

Mr. HIDE,

I Am of thoſe Gentlemens opinion, that would have us diſtinguiſh between goodneſſe and government, and not to reject or condemne a good forme of Church government, becauſe we are troubled with bad governours. But the truth is, I diſlike not only our governours, but even our government it ſelfe, becauſe I conceive it to be oppoſite to the word of God. My reaſons I ſhall humbly offer, with ſubmiſſion to the wiſdome of this Houſe. And firſt I ſhall lay this for a ground, That the maine end for which God ordained the Miniſteriall function was, that his Church might be edified, and ſo he might be glorified in the ſalvation of

ſoules. This edifying Saint *Peter* calls the feeding of the flocke of Chriſt, yet ſo that the feeders muſt not be lords over Gods heritage. And Saint *Paul* in other words (but to the ſame effect) calls it the preaching of the Word, the dividing of it aright, that ſo every one may have his portion of this bread of life; And therefore when he writes to *Timothy* (who if wee might beleeve our Biſhops, was a Biſhop of the ſame ſtampe as they are) he chargeth him (and that very deeply) to preach the Word, to be inſtant in ſeaſon and out of ſeaſon, and that he may doe ſo, he forbiddeth him to entangle himſelfe with the affaires of this life. Now I beſeech you (Sir) Let us bring the Epiſcopacy to this rule of Gods word, and try how it agrees with it in theſe three particulars before mentioned.

Firſt, every Clergy man muſt feed his flocke *Timothy* (Biſhop *Timothy*) muſt doe it; (Sir) I will not ask whether our Biſhops do it ſo or not, for then I may be anſwered that, if they doe not, it is the fault of the perſons, and not of the Calling. But I ſay they cannot feed their flocke. And the Epiſcopacy is it, that caſts this impoſſibility upon them, for their whole Dioceſſe is their Cure, every ſoule there, is a ſheepe of his flocke; Surely hee can hardly number them, much leſſe know them, and therefore cannot feed them. But it will be anſwered that hee turnes over the Layty (which are the greater part of his flocke) to be fed by his Clergy. It is

true,

true, he doth ſo, but I demand, *quo jure*, our law tells us that an office of truſt cannot be transferred or aſſigned without ſpeciall words in the grant. I am ſure this holds as firmely in Divinity, where the obligation is as ſtrict; And the truſt is of much more weight, even the ſalvation of ſoules. But admit he may ſet out his Laytie to nurſe (as a mother that either wants milke, or is loth to take the paines to nurſe her child;) Yet if he be a ſhepheard he muſt have a flocke. Well then let the Clergy be his flock (as he pretends) doth he feed his flock? we know he neither doth nor can. Indeed once in three yeares he viſites them. But this is rather a viſiting of their purſes, then a feeding their ſoules. They muſt appeare before him, and they muſt not appeare empty-handed (they muſt bring their fees with them.) One of them preacheth to his brethren and to him; Afterwards when the Biſhop comes into the Court he gives them a ſhort exhortation to unity, and to the obſervation of the Canons, and to carry themſelves in a moderate way (which in plaine Engliſh is that they beware of being too zealous in reproving of the ſinnes of the time, with ſome ſuch ghoſtly counſell.) That being done, his officers receive the Fees, and he gravely diſmiſſeth his Clergy (Sir) This is but a ſhort feeding after a three yeares faſt; And in truth they may bee rather ſaid to feed the Biſhop then he to feed them; And therefore the Epiſcopacy conſtraining him

to faile in this maine and principall duty of his Calling. I dare boldly affirme, that he muſt not have a Dioceſſe, he muſt have ſuch a flocke as he may feed, ſuch a charge as he may be able to diſcharge.

Secondly, he muſt not lord it over Gods heritage. Here is as flat a prohibition as the other was a peremptory command. But doth he not lord it? and doth not the Epiſcopacy make him lord it? The Epiſcopacy caſts upon him the title of a Lord, the dignity of a Lord, the revenue of a Lord, the power and juriſdiction of a Lord, yea above a Lord. For what Lord, but he doth domineere over the conſciences of men? he impoſeth Ceremonies both burdenſome and ſuperſtitious; he paſſeth the heavy cenſure of Excommunication for trifles, not paying their fees, nor appearing at his Courts (though ſummoned without any juſt cauſe, and ſometimes when the Oficer hath fayled in giving ſummons.) But in one thing eſpecially he ſhewes his lordlineſſe, and that is in the oath of Canonicall obedience, an oath of that large extent, as that I dare boldly ſay, no Lord, nay the King himſelfe cannot require a greater: For it is to obey him in *omnibus licitis et honeſtis*. And no man is bound to obey the King any further. This therefore being directly oppoſite to the words of the Apoſtle, and to our Saviours words pronounced with his owne mouth (it ſhall not be ſo among you) I ſay (under favour) it is plaine that a Biſhop muſt not

not have theſe titles, nor this power and juriſdiction which now he exerciſeth.

Laſtly, he muſt not intangle himſelfe with the affaires of this life (Sir) if his calling ſo takes up the whole man as that Saint *Paul* cryes out, who is ſufficient for theſe things, how can the addition of ſuch a vaſt eſtate of hundreds (and ſome thouſands) by yeare but intangle him with worldly affaires, and render him altogether unfit for the diſcharge of his duty in his Calling. Therefore he muſt not have ſo large a revenue. But only ſo much as may give him a competent and comfortable ſubſiſtance, and which he may manage without diſtracting cares, and taking up his time from his vocation.

This being ſo (Maſter *Hide*) my humble motion is, that this honourable houſe would ſettle ſuch a government in our Church as may have Gods word for the rule, and the firſt and pureſt primitive times for the example; Then will

God goe along with us in our government,
our Church will bee glorious,
and we and our poſterity
ſhalbe happy.

FINIS.

FINIS.

England Commons, Ry 23

# Mr. Speakers SPEECH,

WITH

HIS MAJESTIES

# SPEECH

TO BOTH HOUSES

OF

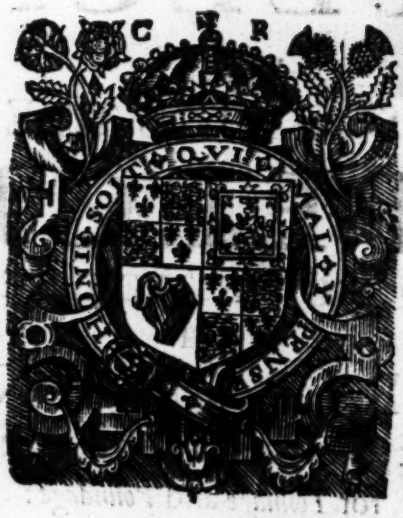
PARLIAMENT,

At the paſsing of the Bill for *Tonnage* and *Poundage*:

BEING

An Anſwer to Mr. SPEAKERS Speech at the preſenting thereof, 22. *June* 1641.

Printed in the yeare, 1641.


C R
HONI SOIT QVI MAL Y PENSE

# Mr. SPEAKERS SPEECH In the LORDS Houſe of Parliament, *June* 22. 1641.

THat policy, moſt gratious and dread Soveraigne, which weighs the Prerogative of the King and property of the Subject in the ſame Scales, and increaſes the plenty of the Crowne, and contentment of the people; the even poiſing of this Beame enables both, the one being ordained for the preſervation of the other.

This principle is ſo riveted into the hearts of your Subjects by the Acts of their Anceſtours, & traditions of their fore-fathers, that it hath created a beliefe in them, that their wills are bound to a due allegiance, and their fortunes and eſtates, as well as their duty and ſubjection, muſt bend to the Commands of that Soveraigne power with which God hath inveſted your ſacred Majeſtie.

Compulſary obedience, advanced by the tranſcendent power of Prerogative, is too weake to ſupport the right of government: It is the affections & eſtates of your people, tyed with the threads of obedience, by the rules of Law, that faſtens ſafety and proſperity to the Crowne.

The experiment of elder times, in the raignes of

the moſt valiant puiſſant Princes, hath concluded this the Soveraigne preſervative againſt the diſeaſes of diſtraction and confuſion, and makes it manifeſt to the world, that the honour and glory of this Throne is to command the hearts of free-men.

This admitted, the permiſſion of the leaſt diminution, or any eclipſed interpoſition betweene the honour and plenty of the Crowne, contracts a Scorne upon the Nation.

Severall Parliaments in former times have ſtampt the Character of a free gift upon the fore-front of this aid, ſtill offered by the people, as a ſacrifice of thanksgiving to the Crowne, for the ſafe conduct of your Merchants, and proviſion of the Navie, to ſtrengthen your undoubted dominion over the ſeas, which hath protected your Allyes, and is a terrour to your Enemies.

Our hopes were long ſince to have ſettled this for the meaſure and the time, and with this to have preſented to your ſacred Majeſtie the triumphant palme of Tranquillity in all your Kingdomes: But, as a ſhip floating upon a rough Sea, we have been caſt upon the Rock of feare and dangers, and toſſed on the Billows of diſtraction and diſtruſt of Church and Commonwealth, where we yet remaine hopeleſſe ever to paſſe through that narrow channell which leads to the Haven of Peace, unleſſe we be ſpeedily ſteered on by the hand of your ſacred wiſdome, care and providence.

In the midſt of all theſe troubles, and the ſeverall opinions which have beene amongſt us, no diviſion had power to diſtract any one of us from the care and duty we owe to your ſacred Perſon.

And

And, to that end am I now ſent by the Commons of England, to preſent this as a Marke onely, whereby your ſacred Majeſtie may view the inward duties of our hearts, untill time and opportunity will give leave for a further expreſſion of our duties and affections. The acceptation of this Gift will glad the hearts of your people, and the approbation by the royall aſſent of this Bill (being the largeſt for the meaſure which was ever given) will joyne wings to our deſires and hopes, which ſhall never returne without that Olive-leafe, which may declare that the waters are abated, and your ſacred Majeſtie may have full aſſurance of the faith and loyaltie of your Subjects.

FINIS.

# His MAJESTIES Speech to both houſes of Parliament, June 22. 1641.

I Do very willingly accept your offer made at this time, as a teſtimonie of your love, and beginning of your dutifull affections unto mee; And I no way doubt, but that you will performe that which you have intimated unto mee, and that in due time you will performe the reſt, when you have leiſure.

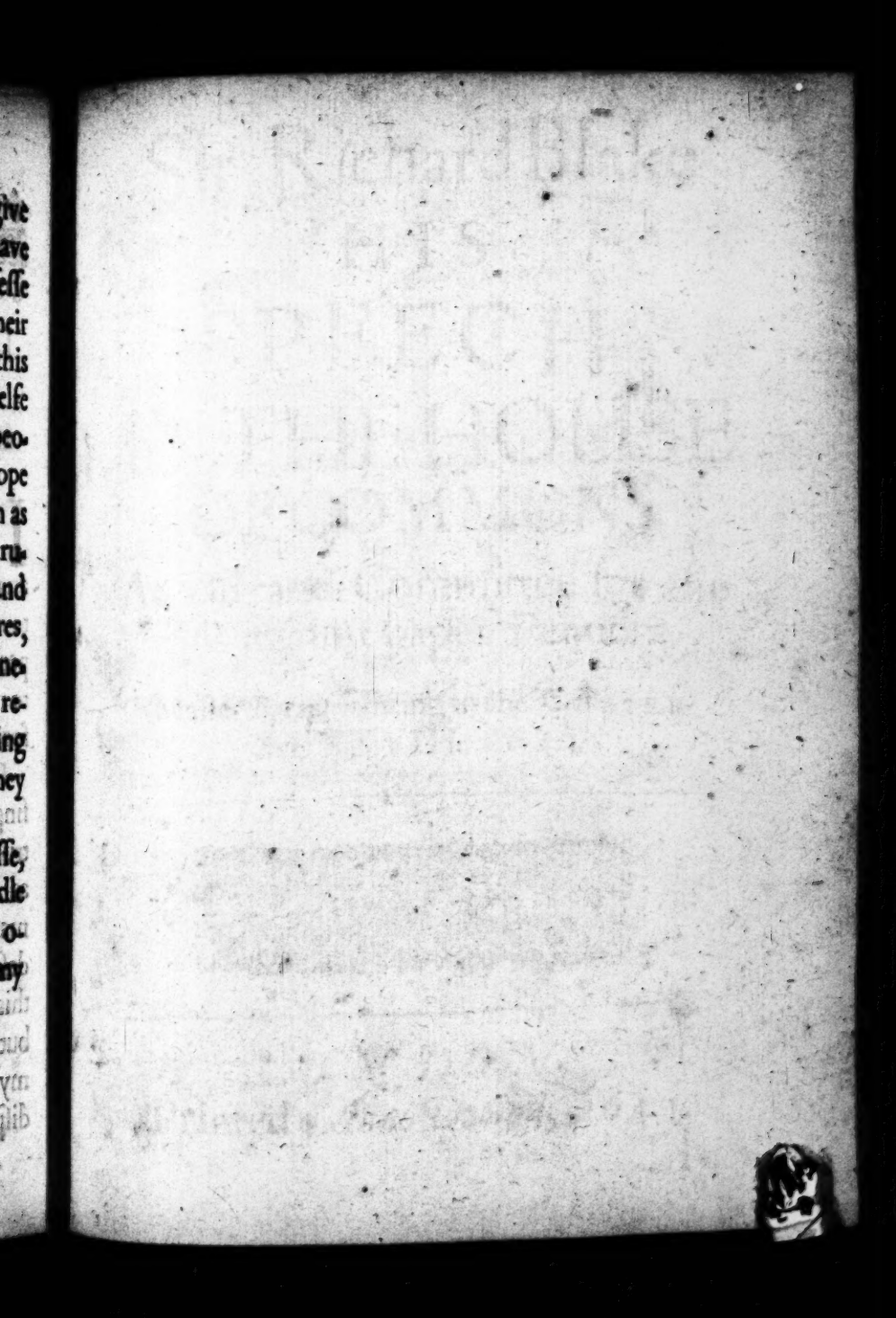
I doe not doubt likewiſe; but that in paſſing this Bill you will ſee a teſtimonie of the truſt and confidence I have in your affections, as alſo that I omit no occaſion whereby I may ſhew that affection to my People, that I deſire my people would ſhew to mee; as in this Parliament hitherto no bodie can ſay but that I have ſought occaſions both to ſhew my affections unto them, and to remove diſputes.

And therefore in this particular Bill I hope you

you wil know that I do freely & frankly give over the right which my Predeceſſours have ever challenged unto them (though I confeſſe diſputed, but yet they did never yeeld in their times); Therefore you will underſtand this but a marke of my confidence to put my Selfe wholly upon the love & affection of my people for my ſubſiſtence; And therefore I hope that in proſecution of this, you will go on as you have ſaid; and that, though you have rumors of jelouſies and ſuſpitions, by flying and idle diſcourſes, that have come to my eares, concerning the ordinary way, I confeſſe I never underſtood otherwiſe then as having relation to the Scotiſh armie, and preventing Inſurrection, which vaniſhed as ſoone as they were borne.

And therefore now you ſee my clearneſſe, I will leave that to you, and will not meddle with it one way or other, for I never had other deſigne but to win the affections of my people by my Juſtice in my Government.

FINIS.



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# Sir Richard Blake HIS SPEECH IN THE HOUSE OF COMMONS

## At a Grand Committee for the Bill against paper Petitions.

Master *Brereton* sitting in the CHAIRE
*June* XXVIII. 1641.

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LONDON,
Printed *Anno Domini*, 1641.

# SPEECH

# OF

# SIR RICHARD BLAKE,

# IN THE HOUSE

# OF COMMONS,

## On a Motion for the Repeal of the Stamp Duties.

Printed in the Year MDCCLXVII.

# Sir *Richard Blake* his Speech in the Houſe of COMMONS, at a Grand Committee for the Bill againſt Paper Petitions,

## Maſter *Brereton* ſitting in the Chaire.

June 28. 1641.

Maſter *Brereton*,

THe matter we now treat of is of great importãce, it is of the power that Paper Petitions have of late uſurped in this Kingdom by the Arbitrary Judicature of Civill Cauſes and Controverſies. It will become the Judgment of this great Councell to conſider, Firſt, of the Nature and Eſſence, then of the fruits and effects of theſe Paper Petitions, and laſtly, if we finde thoſe fruits ſo bitter and unſavoury, that inſtead of pleaſing they poyſon us, to grub them up, and root them ſo out that they ſhall never grow again in this *Garden* of ours, this our *Eden*, our deare Country, to deſtroy us and our poſterity, as the forbidden fruit did in *Adam* all mankind.

Sir, there are many things described by their Contraries, this will be granted is *Color contrarius albo*, it is the deprivation and annihilation of our Fundamentall and vitall Laws: Our Laws (Sir) are the *ne plus ultra* to all Kings and Subjects, and as they are *Hercules* his *Pillars*, so are they *Pillars* to every *Hercules*, and *Prince*, that they cannot passe; and Pillars that beare and support every Subject in his life, in his Lands, and his goods.

When *Rome* triumphed in her ancient greatnesse, and was acknowledged sole and sovereigne *Empresse* of all the Nations in the World, a Poet of those times shewes the cause of her continued splendour and flourishing estate by this Verse,

*Moribus antiquis stat res* Romana, *virique.*

I may not unaptly apply that Verse to this Kingdome, and truly say, that *Legibus antiquis stat res* Hiberna, *virique.* Our Laws are the breath of our nostrils, the sight of our eys, the very Soul and Nerves by which this great body politique of ours doth live and move, they are the best Guards of *Kings*, *Magistraues*, and vertuous men, they are Snaffles to bridle the wicked, they are Sickles to cut downe all weeds growing up in the Common-weal; those paper Petitions are their *Antagonists*, their professt enemies, they trample them under foot, not revering or respecting their venerable gray-headed antiquity, not regarding that by their influence and vertue wee now sit together in this great Councell, aswell for the conservation of them, as propagation of a new fruitfull seed of more to posteritie, not valuing the great

great and unſpeakable benefit that mankinde hath originally received from them, in that by their means we lead the lives of reaſonable men, not of brute Beaſts, of Free-men, not of Slaves, of Civill men, and not of Salvages.

Thoſe paper Petitions like whirlewinds throw down all before them that ſtand in their way, make one man in the *Luciferian* (as I may term it) Exaltancie of his power to monopolize and appropriate unto himſelfe the abilities of all men, the properties of all Courts.

The Judges, once like ſo many Planets ſhining in their ſeverall Orbs, obſerving their conſtant motion in their ſeverall Courts of Judicature, imparted unto us the comfortable light, and viviſicant heat of the Laws, thoſe paper Petitions extinguiſh and put out this light, with the vapours that riſe from them, they eccliſpe and darken the Luſtre of it, they ſully the white Furres of their Roabes, they endanger the blackning of their whiter conſciences, when by force of the Commands of thoſe Petitions they are required contrary to their Oath, not onely to delay, but to denie Juſtice.

The Marſhals Court was originally erected for Armes and Honour, the Chancery for Equitie, the Exchequer for the Revenues, & Kings Bench for the Pleas of the Crown, the Common Pleas for Pleas between Subject and Subject, and the Prerogative, Conſiſtory, and Biſhops Courts for Eccleſiaſticall Cauſes, from thoſe Ciſterns the water of life did iſſue and flow upon us, but *inimicus*

*micus & iniquissimus superseminavit zizania in medio tritici*, one man in his vast unlimited and transcendent power, tooke all their Functions upon himselfe alone, vainly affected himselfe *Omnipotent*, which is an Attribute proper to God Almighty, and that in *quarto modo*, (as your Logicians terme it) *soli semper & uni*, created himselfe Earle Marshall, Lord Chancellor, Chiefe Baron, nay, all the Barons of the Exchequer, Chief Justice, nay, all the Justices of either Bench, Archbishop, Bishop, nay, all the Archbishops, Bishops, Deans and Chapters of the Kingdome.

*Justine* in the Preface to his History tels us, that in the non-age and first infancie of the World, *Populus nullis legibus tenebatur, arbitria potentium pro Legibus erant*, The people had no positive Laws to govern them, the wills of great ones were their Laws, and those wils were so inordinate and so exorbitant, that for the most part, they made their own wils and fancies to be their Treasurers, and Hangmen, measuring by that yard, and weighing in that Ballance both good and evill. After the Revolution of so many Ages, as if *Pythagoras* his opinion of *Transmigration* were true, or that the *Platonicke* yeare of reducing all things to the same beginning, continuance and period (how false soever in the books of nature) had bin come, have we not lived as it were in these times? have we not groaned? and were not our backs cracked under the weight that paper Petitions, and the Commands of those great ones upon them involved, and fettered us in? were not our adversaries

by

by their References made our Iudges? and our Iudges, our sworne Iudges made Arbitrary Censurers of what properly was to bee determined before themselves in their Courts? were not our Freeholds and goods violently & extrajudicially taken from us? were not our bodies imprisoned? Our bodies (Sir) whose libertie the Common Law did so highly esteeme, that they were not for any cause whatsoever to be restrained, but onely for force, and that because the Law being the preserver of the quiet and Tranquility of the Kingdome detested and abhorred force, as the enemy and violator thereof, those bodies of ours were not onely imprisoned, but pillori'd, whipt and scourged upon Sentences given upon paper Petitions, and our selves forced, as Children are, to kisse the rod by making a forced acknowledgement of Guilt, against our knowledge and conscience, without which we could not redeeme those bodies from perpetuall Imprisonment, our estates from being extended, and our goods from being seized.

Vpon the late solemne and famous Triall of the Earle of *Strafford*, and in the greatest presence of the World, for that the King was pleased to be personally present, & all the States of the Kingdome of *England* assembled in Parliament, with the Commissioners and Committees of both his other Kingdomes, it hath beene offered to Consideration as a matter of great consequence, that it imbaseth the spirits of a Nation, when they must stand in feare of Pilloring, Scaffolding, and

like punishments, it takes away their spirits, renders them pusillanimous and weak-hearted, in *England* where this was represented, they suffered not under such pressures or feares; the King whose vertues are his Inmates, and true qualities ingenerate both in his judgement and nature, with the sun-shine of his presence (which makes them happie) cleares and expells all such mists, but the reports of our miseries occasioned by the frequencie of such usage, or rather mis-usage, flying over unto them with the gale of our sighes, and spring-tide of our Teares, wrought that charitable Impression, and drew that Emphaticall expression from them, *Si in viridi ligno hoc fatium, in arido quia fiet?* if they out of the sence of our slavish sufferance tooke that to Consideration, and their pious Commiseration, have not wee in whose Scene that Tragedie was acted greater cause to take it to our more serious thoughts? surely we have, and cannot without blemish to our Iudgements, and wrong to our selves and posteritie, but indeavour to remove the cause, *Sublata causa tollitur effectus*: And the principle cause I conceive to proceed from those paper Petitions, the proceedings upon them being not limited to any certaine Rule, time, season, place, cause, or thing, nor any degree, Sex, age, or quality priviledged by them, by them his Majesty loseth a considerable part of his Revenue, that might justly and lawfully result and acrue unto him out of originall Writs, Fines, Amerciaments and profits, by them the Subject loseth the benefit of his writ

of

of Errour, Bill of Reversall, Voucher Essoignes, Views, Fines, with Proclamations and Discents, and by them many other Legall and Just advantages in the ordinary course, and Courts of Justice are declined, and their onely Consequence is by immoderate and unlawfull Fees to enrich Secretaries, Clerks, Pursivants, and Serjants at Armes, and not onely them, but Projectors, Informers, and such other Horsleeches, that suck the bloud of our bodies, and marrow of our bones; and their malignant operation rests not here, but extends to our intrinsecall parts, that wee call *Qualitates animæ* they strongly endevour to subvert.

That the planting of Learning is the true and right way to plant Civility, and that

*——ingenuas didicisse fideliter artes*
*Emollit mores, nec sinit esse feros,*

Our owne observation and the experience of all Nations tels us, and *Cornelius Tacitus* in the life of *Agricola* demonstrates.

*Julius Agricola* the *Roman*, Generall in *Britanie*, found the ancient Inhabitants rude, barbarous, and apt upon every occasion to make warre, hee being a wise man, as he was a valiant man, conceived it the best way to Civilize, and consequently to containe them in the Spheare of their obedience to the *Romane Monarchie*, to build and erect free Schools, and places of publike resort, and in them to have the Children of the Nobles, and Gentlemen, trained, and instructed in the liberall Sciences, which he did, the event answered his expectation, and his policie had the wished effect, for the

*British* youth being curious to attaine the Eloquence of the *Roman* language, the *Romane* attire grew to be in accompt, and the *Gown* in request among them, and so came as *Tacitus* observes to the height of Civilitie, which ever since they have to their great glory maintained. And I am (M. *Brereton*) of opinion, that our Ancestors in their great wisdome left for us such part of the Common-Law as is written, The pleadings of them, and originall Writs, in the Latin language, becauſe that being the generall, and an immutable language, not subject to be sophisticated as all other languages (except the *Hebrew* and *Greek*) were, or to receive *Majus aut Minus*, a Language that was never conquered with any Conqueſt, and that the fury of the *Saxons*, *Danes*, and *Normans*, could never so extirpate or suppresse, but that our Laws still lived in it, as in the Vestall fire that is never extinguisht, to the end I say, that we might be incited and invited to the knowledge and use thereof, to strengthen my opinion in this, and to shew how necessary the knowledge of it is for the professors of our Laws, I will present unto you the Authorities of two of the greatest Sages of the Law, the one Ancient, the other Recent, and in their own words, which I onely translate, that I may not disparage, or take off the waight of them by mine.

Mr. *Littleton*, who is the Portall by which all Students make their first entrance, and who by his excellent Book gives them *Ariadnes* clue, to guide and direct them in their ways in that intricate Labyrinth, in his chapter of *Confirmation*, *lib. 3. cap. 9.*

gives

gives them this grave and fatherly advice. Know my Sonne, that it is one of the most honourable, laudable, and profitable things in our Law, to have the Science of wel Pleading in actions Reall and Personal, and therefore I counsell thee to employ thy courage and care to learn this.

Sir *Edward Coke*, whose learned Works are the *Coronides* of the Students endevours, and do polish the same, in *Blackamores Case* 8. *rep. fol.* 159. says that the Clerks are bound by the duty of their Offices to have skill and science in the Forme of original Writs, which are the foundation that all the Law depends of, and therfore if the Forms of originall Writs be neglected, ignorance the mother of Errour, and Barbarisme will ensue, and in the end all shall be involved in confusion, and the ancient Law of the Kingdome subverted.

This is the judgment (M. *Brereton*,) of these two great Pillars of the Law, and that this they so earnestly direct, hath not been observed in paper Petitions, wee all know, a common Scrivener draws them, and an illiterate Clerk, (for so many of them are) whose knowledge soares no higher than his mother Tongue, and whose best abilities, and perfections are to wait officiously upon my Lord, his Master, solicits this, and he, or the powerfull intercession of a Favourite prevails more in businesses of greatest consequence, and where Legall proceedings and Scrutinie are requisite, then happily a *Littleton* or a *Cook*, *O tempora O mores*! which I think we lately had as great cause as *Tully* to exclaime upon.

What

What a great Ornament to this Kingdome Mr. *Brereton* the Profeſſors of our Laws are, how daily and hourely uſefull, unto our ſelves both in this Houſe and in *England*, the members of the Houſe (whom wee terme of the long *Roabe*) are, I leave to the judicious obſervation of this Committee, and likewiſe to their conſideration how infinitely they and the reſt of that Honourable profeſsion have beene damnified by thoſe paper-blaſts, Blaſts I may well call them, for indeed they blaſt, and nip in the very bloſſome the hopes of all our Law Students, who having ſpent the Spring of their yeeres in the *Innes of Court* in that ſtudie, and many of them the beſt part of their fortunes, upon their returne to this their Native Countrey, their *Land of promiſe*, when they expect to meet with a Harveſt to crowne their painfull and chargeable endeavours, they have hardly gleanings left for them by thoſe paper-Clerks: This Sir as I conceive is very conſiderable by us, and thoſe Paper-Petitions being, as I endeavoured in their true colours to repreſent them, *Tares* introduced & planted among the *Corn* by the enemy of mankinde, at leaſt the enemy of the welfare of this Kingdome, in their nature a *Monopoly*, or rather a *Rape* upon all mens abilities and the properties of all Courts, being the Bedels of our bodies, the diſſeiſors of our Lands, Robers of our goods, Suppreſſors of our intellectuall parts, Subverters of the Common-law and Rebels to the Statute-lawes as appeares by *Magna Charta* 2. *Hen.* 3. by 28. and 25. of *E.* 3. and by the Record of 21. *Ed.* 1. that are mentioned in

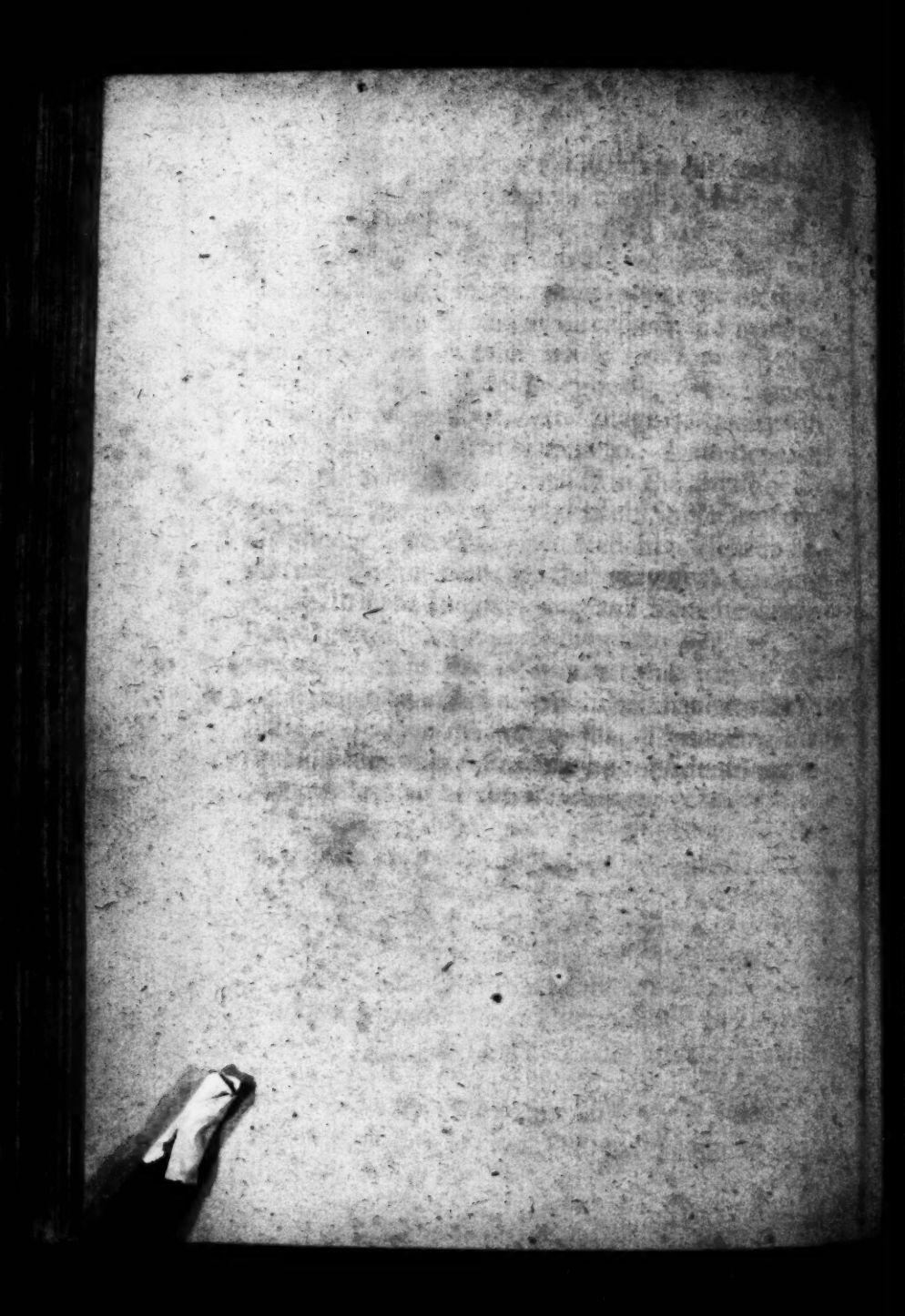
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the preamble of the *Bill*, I am humbly of opinion that as the wisdome of this house hath already looked with a retrospect eye upon some of the many grievances that were occasioned by them, that with the other eye we looke forward, *Ne quid detrimenti respublica patiatur* hereafter.

*M. Brereton*, the nature of domination is such, in the irregular mindes of some, that having once broken out of Circle, they cannot indure any limitation or bounds, but rangeat libetty in the wide and spacious fields of their own humours, and being not able to give Laws to their appetites, make Laws as Champions to defend them, and reason as a Parasite to glorifie them, & that this hath bin so, we have seen, & that it may be so hereafter the condition and nature of man tels us, we are therefore to conclude upon this good way of the perpetuall damning of such paper-Petitions as extrajudicially determine Civil causes, that they may never rise after in judgment against us, that they may not assume to themselves the force of *Bulls & Canons* as they have done, or like *Hydra's* heads pullulate and spring up, to the bane & utter destruction of us and our posterity, And therefore my vote is that the Bill as it is now drawn shall be approved with those Provisions that are inserted in it, that it shall not extend to his Majesties Courts of Castle-Chamber, Chancery, Chancery of the Exchequer, Court of Wards, the Presidencies of *Monster*, *Connaght*, or the Lievtenancies of the Counties of *Gallway*, & the Countie of *Clare*, or to the Civill proceedings before the Justices of *Assizes*, but with such

such qualifications as in the Bill is mentioned; and that the House of the Lords may by Message be acquainted with it, that wee may have their concurrent approbation, which I doubt not they will cheerfully give; for the impetuous rage of those Paper Petitions had no more respect, and made no other distinction betweene the freedome of their Peerage, or their estates and goods, than the meanest common persons. And that his Majesty will give his Royall assent thereunto, I am hopefull and confident, having already in the abysse of his goodnesse and care of his faithfull Subjects of this Kingdome, publikely declared his dissent and averseness from them in the very first Chapter of his Printed Instructions, and likewise in the Proclamation that we sent over into *England*, to accompany our Protestation to that part of the Preamble of our Act of Subsidies that extold the Earle of *Straffords* Government. This being my opinion I humbly submit to the consideration and better judgment of this *Committee*.

FINIS.



26

Master

# William Thomas

Esquire

His SPEECH

IN

# PARLIAMENT,

June 1641.

Concerning Deanes, and their Office, what it was originally, and what it is at this present, and being proved to be for little use, yea of great abuse, therefore declared not only unnecessary, but ought rather to be utterly abolished.



Printed at London by *Tho: Harper*, 1641.

Mr.

# William Thomas

Esquire

His SPEECH

IN

# PARLIAMENT,

June 16th

Concerning Executed Clergy

what it was originally, and what it is at this

present, and before proved to be for their ease, viz.

Of grave Gods, the one Eternal not only

necessary, but most profitable to Us

wisely abolished.

# Mr. *WILLIAM THOMAS* his speech in Parliament.

I Have heretofore delivered the reasons that induced me to yeild my severall votes touching the corruption and unsoundnes of the present Episcopacie and Church government, so for their unlawfulnesse of their intermedling in secular affaires, and using civill power, as also the harme and noxiousnesse of their sitting as members in the Lords house, and Iudges in that most honourable and high Court: Now I crave leave to doe the like in shewing the reasons of my vote concerning Deanes and their office: I say that my opinion then was and now is that as the office is unnecessary, themselves useless, so the subsistance of the one and continuance of the other needlesse; nay rather, as I will declare, most hurtfull, therefore may be easily

ſpared, nay rather ought to be aboliſhed; my reaſons are theſe, that the office of Deanes doth neither tend or conduce (as ſome have alledged) to the honour of God, the propagation of piety, the advancement of learning, or benefit of the Common-weale, but *contrà*, that they occaſion the diſhonour and diſſervice of God, the hinderance, if not deſtruction of piety, the ſuppreſſion and diſcouragement of learning and learned men, and the detriment and prejudice of Church and Common-weale; this I conceive I ſhall make moſt apparent, if time and your patience will permit: But firſt I humbly crave leave (and I thinke it will not be impertinent) to declare what Deanes were originally in their firſt birth; ſecondly, what in their increaſe and further growth; and laſtly, their preſent condition, being at their full, and, as I thinke, their finall period.

As to their originall, it is not to be denyed but themſelves and office are of great antiquity. St. *Auguſtine* declaring both; but I doe not ſay that it is an ancient office in the church, but what Officers Deanes then were, be pleaſed to heare from Saint *Auguſtines* owne delivery in his booke *de Moribus Eccleſiæ Catholicæ*, if that booke, as alſo that of *Monachorum* be his, which *Eraſmus* and others have doubted: The Monks (ſaith he) for their more retirednеſſe and better contemplation, appointed Officers which they called

*Decanos*,

Deacons, the office of them, and why they were so called, hee delivereth in these words as neere as I remember, *Quos autem Graeci illâ quæ Diaconi vocant, eo quod sunt duces præpositi ac ministeria illorum circa sui corporis curam, nempe in cibo potu & in vestimento, neque si quid aliud vel quotidiana necessitate vel mollitate (ne offendar) exigebant, hi autem Decani magna solicitudine, omnia ministrantes & presto facientes quicquid illa vitæ propter infirmitatem corporis postulat.*

Here wee see the office of Deacons in Saint Augustins time, antiquity sufficient, but not antiquity for being officers of the Church, therefore they doe not rightly plead antiquity, as to the point now controverted, the question being whether the office as now it is exercised, be the same that it was then, sure they shall finde it not only different, but in a manner quite contrary, they are deaconesses, and that page is, but they are to know that this addition to Scripture is vain to discerne and distinguish a counterfeit face of antiquity from the true, and in value doe they (saith Gibeon) labour to deceive us by old sacks, old shoes, old garments, old bottles, and old bread that is drie and mouldie, therefore to no purpose, and deceitfully doe they charge us to affect novelty, and to offer to take away Church-governors and governments. What shall we say? If meere Deacons were ordained, we know how they ought to be, Presbyters, and of the meanest; and for

what

what cause, I shall hereafter declare; but we may not think this charging of us as innovators strange, when as Christ himselfe had his doctrine censured as new, what Doctrine is this saith the Iews? *Mark* 1. 27. we are not then to expect that we shall escape the like censure of innovating.

The servant is not above his Lord, nor the Disciple above his Master, and indeed so St. *Paul* found it, for the Grecians made the same demand to him: May we (say they) know what this new doctrine is whereof thou speakest? Acts 17. But let us *liberare animas nostras, conscientiæ satisfaciamus, nihil infamiæ laboremus, consentiamus in ea quod convenit, non in eo quod traditum.*

But to returne where I left, granting the name and office, we finde them to be onely Caterers or Stewards to provide foode and raiment for the Monks, whose garments, as they were not costly, so was not their fare dainty, being but bread and water, as witnesseth St. *Hierom*, *Athanasius*, *Theodoret*, and others. And *Surius* in the life of *Pachomius*, written 1200. yeare since, testifieth the same. To have the like imployment now, I neither deny nor envie them.

Well now, let us see how they increased in authoritie, and came to bee accounted officers of great dignity, then shall, when for the austeritie of their lives, and opinion of their sanctitie, Princes and others did bestow lands and revenues upon the Monks, then their

*prædeſti*

post the Deans did partake of their honours and possessions, and then began the corruption and poysoning of them; *Tunc venenum infudistis in Decan. religio peperit divitias & filia devoravit matrem.* Answerable whereto is that of Saint *Hierom, In vitas Pastum*, since holy Church increased in possessions, it decreased in vertues; the like hath Saint *Bernard*, and many others.

Thus we see that the spring that was cleare in the barren mountaines, descending downe to the richer vallies, becomes thicke and muddy, and at last is swallowed by the brinish Ocean; *Salsum perdulces imbibat Æquor aquas.* But to deliver it in the words of an Honourable Author: Time, saith he, is most truly compared to a streame that conveyeth downe fresh and pure water into the salt Sea of corruption which invironeth all humane actions, and therefore if a man shall not by his industry, vertue, and policy, as it were with the oare, row against the streame and inclination of time, all institutions and ordinances (be they never so pure) will corrupt and degenerate; which we shall see verified in Deanes and their officers. For now being endowed with great possessions, it was ordained they should be chosen out of the Presbytery to that place, *Ne fit Decanus nisi Presbyter*, as I finde in Saint *Bernard*. Well, did they rest in this state and condition? No, they must be civill Magistrates, Chancellors or Keepers of the Seale, Lord Treasurers,

Privie Councellors, or what have they not of lay offices, dignities, and titles? I will not trouble you with enumeration of particular Deanes, I will onely cite one, though (if the time permitted) I might cite 21. and that is a Deane of Paul, about *Anno* 1197. who was made Lord Treasurer, who carrying that office, quickly hoorded up a great treasure; at last falling into a deadly disease past recovery, he was exhorted by the Bishops and great men to receive the Sacrament of Christs body and blood, which he trembling at refused to doe; whereupon the King admonished and commanded him to doe it, but promised him thereupon to doe it the next day. Being admonished to make his will, hee commanded all to voyd the roome but one Scribe. Who beginning to write his Will in the accustomed forme, In the name of the Father, of the Sonne, &c. the Deane perceiving it, commanded him in a rage to blot it out, and these words onely to be written: I bequeath all my goods to my Lord the King, my body to the grave, and my soule to the Devils; which being uttered, hee gave up the ghost. The King hereupon commanded his carcase to be carried into a cart, and drowned in the River. Good God, what a change is this from being humble servants to poore Monkes, to become proud Prelates, Peers to Princes. *Quam tam mutati ab illis, nunc Cygni qui modo Olores!* They now forsake their Temples poore as

*Templa pietatis, tanquam nocia nomina*, and onely allow and make choice of *Templa honoris, & Templa fortunæ*. They then tooke care for the poore Monastery, but now poorely care for the Ministery: and to speak no lesse truly then plainly, they doe either just nothing, or (what is worse) nothing that is just. But not to trace them further, let us examine what their present office is, which we finde so honoured and dignified.

In the Constitutions of *H.* 8. and *E.* 6. thus I reade, *Decani quoque cum in Clero amplum dignitatem & locum honoratum in Ecclesia sortiantur Presbyteri sunto, viri graves docti & magna prudentia: singuli Cathedrales Ecclesias juxta illarum Constitutiones regant, Collegiatam Canonicorum quam Clericorum Ecclesiæ majoris præsint, neque discipulum labi sinant, providantque summa diligentia ut in suo Ecclesia sacri ritus ordine ac justa ratione peragantur ut q. omni ordine & convenienti gravitate ad fratrum utilitat. agantur, ut Archidiaconi foras scilicet domi hoc est in Ecclesia Cathedrali & ejus Canonicis & Clericis Episcopo sint adjumento quasi duo ejus membr. utilissima & necessaria. Quare nec Decani abesse debent a sua Ecclesia sine urgentissima causa ab Episcopo approbanda.* I have delivered the whole Chapter intire, because I would deale clearly.

Afterwards in the ninth Chapter I read preaching to be part of their duty. *Concionem habeat Decanus in Ecclesia Cathedrali singulis diebus dominicis.*

Thus their office is declared to bee these particulars following.

1. To rule and order the Church, and to look to the repaire, and for the decoration thereof, as is also elsewhere enjoyned.

2. To preserve discipline and holy rites.

3. To bee adjuments or assistants to the Bishops in Cathedrals, as bee the Archdeacons abroad.

Part of which assistance is, as seemeth, to preach for them, but the Bishops will excuse them that service as too painfull, nay forbid it as too dangerous; but though they will not busie themselves in preaching, yet have they leisure to bee inventive and operative in poore beggerly toyes and trifles, which neither bring honour to God nor good to the Church and people, their preaching and godly life did antiently win the peoples hearts to love God, and them as his Ministers, whom they received as Angels of God, Embassadors from heaven: Humilitie, piety and industrie laide the foundation of all those magnificent structures, dignities, titles, places, revenewes and priviledges wherewith the Church-men were antiently endowed, what hath or is likely to waste and demolish them is easie to conjecture; King *James* hath delivered it in these words, The naturall sickneſſe that hath ever troubled and beene the decay of all Churches since the beginning

of

of the world, hath beene pride, ambition, and avarice, and these infirmities wrought the overthrow of the popish Church, in this Countrie and diverse others; but the reformation of Religion in Scotland was extraordinarily wrought by God, though many things were inordinatly done by such as blindly were doing the worke of God. Thus farre that wise and religious Prince.

But lest I should forget a principall part of the office, Church Musick, it shall have here the first place, the rather, for that as I reade the first comming in thereof was to usher Antichrist, for I doe finde in my reading that *Anno 666.* the yeare that was designed or computed, for the comming of Antichrist *Vitalian* Bishop of Rome brought to the Chirch singing of service and the use of Organs, &c. as we reade in *Plat. Balew*, and others, in the life of *Vitalian*, who therefore was called the musicall Pope, although at that time there was greater occasion of sorrow, the Longobards having entred and wasted Italy, and therefore fasting and praying had beene more proper then musicke and melodious singing. Hereupon (saith mine Author) ignorance arose among the people, lulled, (as it were) asleepe by the confused noise of many voices. This carried colour of advancing devotion, although it was no better (as the case then stood) then the Altar erected to the unknowne God,

 *Acts 17.*

*Acts* 17. Hereby the key of knowledge was hid. *Luke* 11. When the common people understood not what was ſung, and the heat of zeale was quenched in men of underſtanding, whoſe eares were tickled, but hearts not touched, whilſt (as St. *Auguſtine* complaineth of himſelfe) ſo moſt were more moved by the ſweetneſſe of the ſong, then by the ſenſe of the matter, which was ſung unto them, working their bane, like the deadly touch of the Aſpis in a tickling delight, or as the ſoft touch of the Hiena, which doth inſtame and lull aſleepe and then devoureth; if Service in the Latine or unknowne tongue, whereof the ſimpleſt people underſtood ſomewhat, was juſtly cenſured, certainly this manner of ſinging Pſalmes and Service, whereof the moſt learned can underſtand nothing, is to be condemned; I diſlike not ſinging, though by muſick of Organs and other inſtruments, but I wiſh that what is ſung may be underſtood; and as *Juſtinian* the Emperor commanded all Biſhops and Prieſts to celebrate prayer with a loud & cleare voice, *non tacito modo*, that the minds of the hearers might be ſtirred up with more devotion to expreſſe the praiſes of God, ſo wiſh I, that Service and Pſalmes may be ſo read and ſung that they may be underſtood, and ſo edifie the mind as well as pleaſe the eare.

Now I am to declare that this office doth neither tend to the honour of God, the propaga-

into

tion of piety, the advancement of learning, or benefit of the common weale, but to the contrary, as I have delivered, rather to the dishonour, &c. But the day being so farre spent, I will not assume too much boldnes to presse upon your patience, for further hearing therof, but will crave leave for further rendring thereof at fitter opportunity and your better conveniency.

FINIS.

BRITISH MUSEUM

FINIS.

K

27

Master Rigby's

# SPEECH

IN

Answere to the Lord FINCH,
of that he delivered before the House
of Commons, in behalfe of himselfe.



Printed, 1641. *June* 29.

# SPEECH

IN

Answer to the Lord Fu[illegible]

of that he delivered unto the Lords

of Commons, in behalfe of himselfe.

BRITISH MUSEUM



Printed, 1641. June 29.

# Master *RIGBYES* answer TO THE LORD KEEPERS SPEECH, in the House of COMMONS, 1640.

*Mr Speaker,*

MY Judgement prompts me to sit still, and to be silent, yet the duty I owe to my King, my Country, and my Conscience, moves me to stand up and speak.

Master Speaker, had not this Siren had so sweet a tongue, surely he could never have effected so much mischief to this Kingdome: you know Sir, *optimorum putrefactio pessima*, the best things putrified, become the worst; and as it is so in the naturall, so it is in the body politick and what is to be done then, M. Speaker all know *Ense recidendum est*, the Sword (Justice) must strike, *medius fidius tuto abibitur*: M. Speaker, 'tis not the voyce, *non vox, sed votum*, (not the tongue) but the heart and actions, that are to be inspected,

cted, for doth not our Saviour Christ say it? *Shew me thy faith by thy works, O man*: Now, Master Speaker, hath not this Kingdome seen, (seen say I) nay felt, and smatred under the cruelty of this mans injustice? so malicious, as to record it in every Court of *Westminst.* as if he had not been contented too with the inflaming of us all, unlesse he intayl it to all posterity. Why shall I beleeve words now? *Cum factum videam*: Shall we be so weak men, that when we have been injured and abused, will be gained again with fair words and complements? Or like little children, that when we have been beaten and whipt, be pleased again with sweet meats? O no, there be some Birds that in the Summer of a Parliament, will sing sweetly, who in the Winter of Persecution, will, for their prey, ravenously fly at all, upon our goods, nay seaz upon our persons, and hath it not been by this man, so by some in this Assembly.

Master Speaker, it hath been objected unto us, that in Judgement we should think of mercy, and *be you mercifull as your heavenly Father is mercifull*; now God grant that we may be so, and that our hearts and judgements may be rightly rectified, to know truly what is mercy, I say, to know what is mercy, for there is the point, Master Speaker: I have heard of foolish pity, foolish pity, do we not all know the effects of it? and I have met with this Epithite

tomercy, *crudelis misericordia*, and in ſome kinde I think there may be a cruell mercy; I am ſure that the Spirit of God ſayes, *be ye not pitifull in Judgement*; nay, it ſaith, *be not pitifull of the poor in Judgement*: if not of the poor, then *a fortiori*, not of the rich, there's the Emphaſis, we ſee, by the ſet and ſolemne appointments of our Courts of Juſtice, what proviſion the wiſedom of our Anceſtors hath made for the preſervation, honour, and eſteeme of Juſtice; witneſſe our frequent Tearmes, Seſſions, and Aſſizes, and in what pomp and ſtate the Judges in the circuits by the Sheriffs, Knights, and Juſtices, and all the Country are attended oft times for the hanging of a poor thief, for the ſtealing of a hogge or a ſheep, nay, in ſome caſes, for the ſtealing of a peny, and juſtly, or *in terrorem*, and now ſhall not ſome of them be hanged, that have rob'd us of all our propriety, and ſheered at once all our ſheep, and all we have away, and would have made us all indeed, a poor *Belliſarius*, to have begged for a half-penny, when they would not have left us one penny that we could have called our own.

Let us therefore, M^r. Speaker, not be ſo pitifull, as that we become remiſſe, not ſo pitifull in judgement, as to have no judgement, but ſet the deplorable eſtate of Great *Brittain* now before us, and conſider how our moſt gracious Soveraigne hath been abuſed, and both his Majeſty and all his ſubjects injured by theſe

wicked instruments, for which my humble motion is, that to these particulars we become not so mercifull, as to the generality (the whole Kingdome) we may grow mercilesse.

*Fiat Justitia.*

FINIS.



L. Rudyard (Sir B.)



# A SPEECH Delivered in PARLIAMENT, BY Sir *Benjamin Rudyard*.

Being none of those already in print.

Printed, 1641. *July* 2.

# A
# SPEECH
Delivered in
# PARLIAMENT,
BY
Sir Benjamin Rudyard.

BRITISH MUSEUM

Being none of those already in print.

Printed, 1641.

# A SPEECH delivered IN PARLIAMENT,

BY

Sir BENJAMIN RUDYARD.

*Mr. Speaker,*

THere is a great door opened unto us of doing good, if we take advantage thereof. We are here met by the blessing of God and our King; Parliaments of late daies become unfortunate, it is our duty, by our good temper and carriage to shew their ancient lustre. There be some present who can remember the breaking up of the last Parliament, a businesse certainly from which the Papists are not exempted, who now by the discontinuance of Parliaments, are come to that arrogancy and boldnesse, that they contend with us who are the better Subjects; their emulation I like, but their presumptuousnesse is not to be born; I wish them no harm, but good

for I desire conversion, and the way to do it, is to set up better lights, who have warmth in them, and are not luke warm in Religion.

Surely they that quarrell betwixt preaching and praying, and would have them contend, those never meant well to either, but both must have their due.

And yet I know not how it comes to passe, but it happeneth to us, which is in no other Religion in the world, that a man may be two Religious; and many one, by that scandall, is frighted into a deep dissimulation.

Heretofore the distemper of this House hath been imputed to the Papists, but the happy successe of this Parliament seems to be in the generall power of all, and therefore it is wisdom in us to preserve temper and moderation.

Breaking of Parliaments, makes dangerous wounds in the Body politique; and if these splinters be not pulled out with a gentle hand, we may hereafter dispair of cure.

In *anno* 14. *E.* 3. Subsidies were given to the King for expedition into *France*, but the ill managing of his Treasure here, he was so low, that he was glad to make Truce with the French King.

In *anno* 15 *E.* 3. he returned, and summoned a Parliament, wherein there were nothing but jealousies and distempers.

In *anno* 17 *E.* 3. he called another Parliament, to procure an Attonement with his subjects,

jects, which took good ſucceſſe by their humble carriage to him, and his willingneſſe to ratifie their liberties, whereby all breaches were then made up.

A Parliament is the bed of reconciliation betwixt the King and People, and therefore it is fit for us to lay aſide all exaſperations, and carry our ſelves with humility.

Howbeit the Kings Prerogative may go far, yet if it be ſwayed with Equanimity, it may be the better born. Princes are, and will be, as jealous of their power, as people can be of their liberties, though both are then beſt, when they are kept within their own ſeverall bounds.

Levying of monyes are a great diſturbance to the Subjects, and ſo will be the ſcarcity of the Kings Revenues, untill they be ſupplied: And where the power of a King, and neceſſity, meets in one hand, he will not long be diſappointed. But before the ending of this Parliament, the untimely breaking whereof would be the breaking of us. I doubt not but his Majeſties Revenewes may be ſo ſettled, that he may live plentifully at home and abroad, and without taking any thing from his Majeſty, ſave that which of it ſelf would fall away, and which we deſire to reſtore.

Before the Parliament, we thought he would redreſſe our grievances, and ſhould it be otherwiſe now? ſhal we think better of an imaginary

than

than of a reall Parliament.

In former Parliaments, the carriage of some hath been so haughty, as though a Parliament should last alwayes; And the carriage of others, as if there would never be any again. And therefore a moderation (if we love our selves) is requisite: The delayes whereof are so well known, how dangerous they are, both to the Common wealth and Religion, seeing during this vacation of Parliaments) so many disorders have been committed, both by Innovations of Religion, violation of Laws, and intrenching upon our Liberties. But set all these things aright, it is now our task. And if in those tempting provocations we bear temperate moderation, we shall not misse of our ends, but shall vindicate God in his Religion, the King in his Honour, in its gasping extremity, if these things be respected by us, beware of having the race of Parliaments rooted out.

Men and Brethren, what shall we do? If it were for my life, I would desire nothing more than that we proceed with Moderation, that so we may have many happy Parliaments, and that no dismall events may happen to any: For when Parliaments are gone, then we are lost.

FINIS.

29

# Mr. SPEAKERS SPEECH,

K England: Commons, Hy

Before the King, in the Lords Houſe of *Parliament*.

*July* the third, 1641.

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Concerning the paſſing of three Bills.

*Viz.*

Poll-money.

Star-chamber, and High Commiſſion.

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LONDON,
Printed in the Yeere, 1641.

29

# Mr. SPEAKERS SPEECH

Before the King, in the Lords House of Parliament.

The third, 1641.

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Concerning the passing of three Bills.

Poll-money.

Star-chamber, and High Commission.

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LONDON,
Printed in the Year, 1641.

# Mr. Speaker's SPEECH.

THe Government of Common wealth rests in the Rules of order, and hath so much affinity and consent with the Rules of Nature in the government of the World, that the first copie and mutation of the one may seeme to be taken from the originall and first modell of the other.

This contemplation (most excellent and gracious Sovereigne) casts our eyes upon your sacred Majesty, as that Celestial Orbe, which never resting without the office of perpetuall motion, to cherish the lower bodies, not enriching it self with any treasures drawn from below, exhales in vapours from the inferiour Elements, what in due season it returns in showres.

The application makes us consider our selves, those sublunminary creatures which having their essence and living from the influence of those beames (as the flowers of the field) open to receive the glory of the Sun.

In this relation both contribute to the common good, your sacred Majestie as a Nursing Father designed to bestow on your people, the blessing of peace and unity, and wee as the children of obedience returne our duties and affections in Aids and Tributes. And this compacted in one body by the ligaments of Religion and Laws, hath been the object of admiration to the whole world.

Amidst the distraction of forreigne Nations, wee onely have sate under the shadow of our Vines, and dranke the wines of our own Vintage.

But your crafty adversaries, perceiving that the fervent profession of your own religion and the firme observation of our Laws, have beene the pillars of our prosperity, By subtile insinuations, pretending

a politike neceſſity to admit of a moderation in our Religion, to comply with forrain Princes, and ſuggeſting it a principall in the rule of Soveraignty, to require and take into, aske and have, that it muſt *poſtulare* by power, not *petere* by Laws, and keepe this miſery of war and calamity, between Nation and Nation, and put us in the poſture of gaze to the whole world.

But when wee behold your ſacred Majeſty diſcended from the Royall loines of that glorious King, which by his wiſdome and policie, firſt ingrafted the white Roſe and the Red, upon the ſame ſtock, and ſheathed the ſword that had pierced the bowels of ſo much Nobilitie, glutted with the bloud of people, and then laid the firſt hopes of the happy union between the Nations.

When our thoughts refreſh themſelves with that happy memory of that religious King your gracious Father, on whoſe lacred Temples both diadems were placed, wrethed about with this motto, *Fatiam eos in gentem unam*, we cannot but believe that

God

God and Nature (by a lineall ſucceſſion from thoſe Fathers of peace) hath ordained you that *lapis Angularis* upon which the whole frame ſettles, and put into the hands of your ſacred Majeſtie, the poſſibility and power to firme and ſtabliſh this happy union between your Kingdomes, and ſo raiſe your memory a Statue of glory and wiſdome from generation to generation.

In all this length of time, the aſſurance of this Vnion and peace hath beene the chief object of our deſires, Our Purſes have beene as open as our hearts, both contributing to this great work manifeſted by ſo many Subſidies already preſented, ſufficient in our firſt hopes for the full perfection.

But finding that faile, have again adventured upon your peoples property, and in an old and abſolute way, new burniſht by the hand of inſtant neceſſity, expreſſed to the World the heart of a loyall people, and howſoever guided with a new name of tranquility & peace to your Kingdome, that wish more eaſe the people may diſ-

geſt

geſt the bitterneſſe of this Pill, yet ſtill our hearts had the ſame aime and object.

A gift ſutable to the neceſſity of ſuch vaſt extent that time cannot paralell it by any example.

And by which, if your ſacred Majeſty vouchſafe your Royall aſſent, wee ſhall not doubt you may ſoone accompliſh thoſe happy effects that may preſent your wiſdome the object of wonder, and your policy to bee admired amongſt the Nations.

FINIS.



# A SPEECH

Made By

Master *WALLER* Esquire,

IN

THE HONORABLE HOUSE

OF

# COMMONS,

Concerning EPISCOPACIE,

Whether it should be committed

or rejected.

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Printed, 1641. *July* 3.

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Printed, 1641.

# A Speech made by Mr *Waller* Esquire, in the Honourable of House of Commons, concerning Episcopacy, whether it should be committed or rejected.

*Mr. Speaker*,

THere is no doubt but the sense of what this Nation hath suffered from the present Bishops, hath produced these complaints, and the apprehension Men have of suffering the like in time to come, make so many desire the taking away of Episcopacy. But I conceive it is possible that we may now not take a right measure of the mindes of the people by these petitions, for when they subscribed them, the Bishops were armed with a dangerous Commission, of making new Canons, imposing new oathes, and the like, but now we have disarmed them of that power: these Petitioners lately, did look upon Episcopacy, as a Beast armed with Hornes and Clawes, but now that we have cut and pared them, (and

may if we ſee cauſe, yet reduce it into narrower bounds) it may perhaps be more agreeable; Howſoever if they be ſtill in paſſion, it becomes us ſoberly to conſider the right uſe and antiquity thereof, and not to comply further with a generall deſire, then may ſtand with a generall good. We have already ſhowed, that Epiſcopacy, and the evils thereof, are mingled like water and oyle; We have alſo in part ſevered them.

But I beleeve you will finde that our Lawes and the preſent Government of the Church are mingled like Wine and Water, ſo inſeparable, that the Abrogation of at leaſt a hundred of our Lawes is deſired in this Petition. I have often heard a Noble anſwer of the Lords commended in this Houſe, to a propoſition of like nature, but of leſſe conſequence, they gave no other reaſon of their refuſall but this, *Nolumus mutare leges Angliæ*. It was the Biſhops, was ſo anſwered then, and it would become the dignitie and wiſedome of this Houſe, to anſwer the people now with a *Nolumus mutari*. I ſee ſome are moved with a number of hands againſt the Biſhops, which I confeſſe, rather inclines Me to their defence, for I look upon Epiſcopacy, as a Counter-ſcarf, or outwork, which if it be taken by this aſſault of the people, and withall this Myſterie once revealed, that we muſt deny them nothing when they aske it thus in troopes, we may in the next

place

place, have as hard a taske to defend our propriety, as we have lately had to recover it from the prerogative. If by multiplying hands, and petitions, they prevail for an equality in things Eccleſiaſticall, this next demand perhaps may be *Lex agraria*, the like equality in things Temporall.

The *Roman* Story tels us, that when the people began to flock about the Senate, and were more curious to direct and know what was done, then to obey, that Common-wealth ſoon came to ruine. Their *Legem regere* grew quickly to be a *Legem ferre*, and after, when their Legions had found that they could make a Dictator, they never ſuffered the Senate to have a voyce any more in ſuch Election. If this great Innovation proceed, I ſhall expect a flat and levell in learing too, as well as in Church preferments. *Homos alit artes*, for though it be true, that grave and pious Men do ſtudy for learning ſake, and imbrace vertue for it ſelf, yet it is as true, that youth (which is the ſeaſon when learning is gotten) is not without ambition, nor will ever take paines to excell in any thing, when there is not ſome hope of excelling others in reward and dignity. There are two reaſons chiefly alleadged againſt our Church Government. Firſt Scripture, which (as ſome Men thinks) points our another form. Secondly, the Abuſes of the preſent Superiors. For Scripture I will not diſpute it in this place,

but

but am confident that when ever an equall di-
vision of Lands and Goods shall be desired
there will be as many places in Scripture
found out, which seem to favour that, as there
are now alleadged against the Prelacy or pre-
ferment in the Church. And as for abuses
where you are now in the Remonstrance told
what this and that poore man hath suffered by
the Bishops, you may be presented with a
thousand Instances of poor Men, that have re-
ceived hard measure from their Land-Lords,
and of worldly Goods abused, to the injury of
others, and disadvantage of the Owners. And
therefore M. *Speaker* my humble Motion is,
that we may settle Mens mindes herein,
and by a question declare our Reso-
lution to reform, that is, not
to abolish Episcopacy.

FINIS.

# SIR THOMAS ROE HIS SPEECH in Parliament:

Wherein he sheweth the cause of the decay of Coine and Trade in this Land, especially of Merchants Trade.

And also propoundeth a VVay to the Housekeeping they may be increased.

July - 1641

London, Printed for John Aston. 1641.

BRITISH MUSEUM

SIR

# THOMAS ROE his SPEECH in Parliament, 1640.

IT is a generall opinion that the trade of *England* was never greater, and it may be true, that if it be so, yet it will not absolutely conclude that the Kingdome doth increase in riches, for the Trade may be very aboundant, and yet by consumption and importance of more then is expected, the stocke may waste.

The Ballance would be a true solution of the Question, if it could be rightly had: but by reason

ſon it muſt be made up by a *Medium* of the Bookes of Rates it will be very uncertaine.

Therefore we muſt ſeeke another rule that is more ſenſible upon which wee may all judge, and that may be by the plenty or ſcarcity of money; for it is a true rule, if money increaſe the Kingdome doth gaine by Trade, if it be ſcarce it loſeth.

Let us therefore conſider, firſt whether our Gold & Silver be not decreaſed, and then by what meanes it is drayned, and laſtly, how it may be prevented, and what Remedies are appliable to effect it.

It is out of doubt our Gold is gone to travaile without Licence, that is viſible beyond Seas, and every receiver of ſummes of money muſt find it privately, and I feare the ſame of Silver, for obſerving the ſpecies of late Coyning many halfe Crownes were ſtamped, which are no more to be ſeene, and by this meaſure I conclude the Kingdome growes poore.

The cauſes of this decay of Money may be many, it may be ſtolne out for profit, going much higher beyond Seas, eſpecially in *France* and *Holland*.

Much hath beene drawne away by the Stranger upon feares of our Troubles, of which I have experience by exchanges, and Exchanges are the great

great mysterie, especially such as are used as a Trade, and governed by Bankers who makes many returnes in a yeare and gaine by every one, more then the interest of a yeare, and the greatest danger to a State is, *when money is made Merchandize which should be but the measure thereof.*

And here I will propose a Probleme, whether it were profitable to a Kingdome or not, that the Stranger for many yeares had a great stock here at interest, and still hath some, I confesse it hath supplyed the necessities of Merchants, and helped to drive Trade. But my *Quere* is this, suppose the first principall were truely brought in by the Stranger, yet doubting every tenne yeares what becomes of the increase, have they not lived by our Trade and the Merchant adventurers, and tooked the Kingdome of as many times principall, as they have practised this Vsury many times ten yeares, and in the end drawne or carried all away, this is a point to a State very considerable.

Much Coyne hath beene drawne away without doubt by the *French*, who have brought in Wares of little Bulke, perhaps without custome, but of deare price, and having turned it

it into Gold have returned without reinvesting any part thereof, and such petty Merchants can not be reached by the Statute of imployments.

Another cause of scarcity of Coine may be the over strict rule of the uncurrentnesse of any good Coyne, and that it must be sold here as bullion, in that case what stranger will bring in money; *Whereas if every good species current according to this allay and weight in proportion to our Coyne, or rather a little higher it will draw, namely money by degrees into England, as lower grounds doe water from higher, though they see not the Channels, and we see France, Holland, and Germany, admit all good Coynes, though forraigne, for and above their intrinsique value.*

But I will end this search by proposing some generall Remedies, for if I doe now but make Essayes and give occasion to more subtill and particular disquisition,

1. *To the first leake of stealing away Coyne, I would make it fellony by an Act: for if a man may justly suffer death for robbing of a private man, I see no injustice nor cruelty to inflict the same punishment upon him that robs a Kingdome.*

2. *That the neighbour Princes and States doe*

coy

*of our money, and so entice it from us. This in my judgement ought to bee provided for by our Treaties, which was the olde way, especially of Commerce, by agreeing & publishing of Placarts according to a true Par: For that Prince that will make a treatie of Commerce, doth it for the use of the commoditie, which certainly I would deny any Prince that would not consent to keepe monies even, by their true values, at least, that would set a higher price upon our money then the King hath done, and if our Coyne did either keepe beyond the Seas the English value, or were bullion and uncurrent, the strangers should have as little of our money, as we have of theirs.*

How to recover the strangers money drawne away since our troubles is a hard endeavour and can no wayes be brought to passe but by peace and Trade; and the resolution of this will fall into the generall remedy which I shall propose.

The pedling *French* Trade must bee met with by diligent search at the landing of these *Creamers*, what they bring in, and by suffering none of them to passe any goods by private Warrants: But that according as they shall be valued, they give bond to invest it in *English* Commodities, naturall or naturalized, and that with surety. *Nay in this Case not to allow them exchange for bills for it will not hurt the Common-wealth if by any re-*

*gour-*

*gour they were beaten out of their private toyish traffique.*

I shall not doubt to offend any but the Mint, which may be recompenced to his Majesty in his customes, if mony be plentifull for all goods, will follow money, if I did propose the currentnesse of all goods, and great species of forraign Coins, for their true intrinsive value, according to the pay with ours, and if I say a little higher according to occasions, keeping our owne Coyne pure and constant to bee cryed downe as much under according to occasions, I thinke it will be a pollicy both reasonable and profitable, by experience tryed in other States.

But leaving these Empericall practises, I come now to the great and infallible Rule and Remedy, which is in plaine English to settle and assure the ground of Trade upon staple Commodities, then like the Lady of *Whitsontide* to her Pipe-money, will dance after that; for as Merchandize doth follow money, so doth money Commodity.

I said at first, it was a generall opinion, that Trade never flourished more then now, & it may be so, but we must consider this be not accidentall and changeable, and depending more upon the iniquity or misery of the times, then upon our owne Foundation and industry, and if that be so,

then

then it is no sure ground for a state to rely upon; for if the causes change, the effects will follow.

Now it is true, that our great Trade depends upon the troubles of our Neighbors, and we enjoy almost the Trade of Christendome, but if a peace happen betwixt *France*, *Spaine*, and the united Provinces, all these will share what wee now possesse alone, and therefore we must provide for that day, for nothing stands secure but upon his owne foundation.

To make then our owne Trade secure, we must consider our owne staple-commodities whereof Wooll is the chiefest, and seeke the way to both, to keepe up the price at home, and the estimation of all commodity made of that, and to be vented abroad.

Some other helpes we have, as Tynne, Lead and such like, but I dare confidently affirme, *That nothing exported of our owne growth hath ballanced our Forrein consumption at home, but those forreigne commodities, which I call Naturalized, that is that surplus of our East-India Trade, which being brought home in greater quantity, then are spent, within the Kingdome, are exported again and become in Value and use as naturall commodities, and therefore by the way, I hold it absolutely necessary to maintaine that Trade by Reprisalls with the Dutch, of which more in fit time shall be given, when that particular shall be taken into consideration.*

We have yet another great helpe which is our owne, and wants onely our industry to gather the harvest, which is our Fishing and ereating of Busses, both for the enriching of our Kingdome, and the breeding of Marriners, *and this by private industry (though to private losse) is beaten out ready, and shall be offered to the Common-wealth, if they please to accept of it, and to give you one only encouragement. I doe avow that before the Dutch were lately interrupted by the* Dunkercks, *by their industry, and our fish, they made as great Returnes betweene Dansick and Naples as the value of all our Cloth, which is one million yearely, and this in a due place I desire should have his due weight and consideration.*

We have one helpe more, if we knew how to use it, *that is by the new drained Lands in the Fens, wonderfit for Flax and Hempe, to make all sorts of Linnen for the body, for the house and sayles for ships, that is a* Dutch *and* French *Trade, but in* Holland *one Acre of Ground is rented at three pounds, which if the* Hollanders *may have in the Fens for* 10.s. *or* 12.s. *it will bee easie to draw the manufacture into England, which will set infinite people a worke, and we may be able to serve other Nations with that which we buy deare from them,* and then the State and Kingdome will be happy and rich, when the Kings customes shall depend upon commodities exported, and those able to returne

all

all things which wee want, and then our money must stay within our Kingdome, and all the trade returne in money: to incourage you to this, I give you one Example.

That if the severall sorts of *Callicoes* made of *Cotton woolls* in the *Moguls and Dans* Dominions doth cloath from head to foot all *Asia*, a part of *Europe*, *Egypt*, much of *Africa*, and the *Easterne Islands* as farre as *Sumatra*, which makes that Prince without Mines the richest Prince in the world: and by his Majesties Grace and Priviledges granted to the *Dutch*, I am confident wee may make an undersell in all Linnen cloath in all the Nations in *Europe*.

But I have now wandred far from my Theame, which was the decay of Trade and of woollen commodity.

I must first therefore present to your consideration the causes thereof in my observations, whereof some are internall, and some externall.

The internall have proceeded from her owne false making, a stretchening, and such like practises, whereby indeed our Cloath is discredited, I speake by experience from *Dansick* and *Holland*, *Northward* to *Constantinople*, as I will instance in due time.

This falſe Lucre of our owne, and the interruption in the dying and dreſſing projected and not overcome gave the firſt wound, though could it have beene compaſſed, had doubled the value of our Commodity.

This hath cauſed the *Dutch*, *Sileſians* and *Venetians* to attempt the making of Cloath, and now by experience (as I am informed) *the halfe is not vented, that was in the latter Age.*

*Another internall cauſe hath riſen from ſuch Impoſitions, as hath made our cloth too deare abroad, and conſequently taught others to provide for themſelves.*

*Another internall cauſe hath ſprung from preſſaries upon tender Conſciences, that many of our Clothiers and others have forſaken the Kingdome, and carryed their Arts with them, to the unexpreſſable detriment of the Common-wealth.*

The externall cauſes have beene the want of perfection, and countenance to our Merchants, eſtabliſhed abroad in Factories by the State and by the Treaties, whereby the Capitulations have not bene kept nor aſſured unto them, neither in *Pruſſia*, nor in the *Sound*, nor *Hamburgh*, nor *Holland*, nor in the Eaſt: and this I dare ſay, *that Laban never changed Jacobs wages, ſo often as the Hollanders have forced our Merchants to change their reſidences*, and the very courſe of this Trade by Lawes and Tricks for their owne advantage,

of

of which the Merchant Aduenturers will more fully informe you.

Another externall cause is lamentable, *Report, the increase of the Pyrates, and the insecurity of the Mediterranean Seas; whereby Bristow and the westerne Ports, that cannot have so great shipping as* London, are beaten out of Trade and fishing, and if once those Theeves shall find the way to Banke and New-found Land they will undoe the West parts of *England*.

I will trouble you with a Consideration very considerable in our Government, whether indeed *London* doth not monopolize all Trade: in my opinion it is no good state of a body to have a fat Head, thin Guts, and leane Members.

But to bring something before you of Remedy, I say thus for my first ground, that if our Cloth be not vented as in former yeares, let us imbrace some other way to spend and vent our Woolls: Cloth is a heavie and hot wearing and serves but one cold corner of the World: But if we embrace the new Draperies, and encourage the Walsons, and others by Priviledges, and Naturalizations, wee shall imploy all the wooll, we have, set more people a worke then by Cloth, and a pound of wooll in those stuffes true made, will sell two pounds in Cloth, *and thus wee may supply France, Italy, Spaine, Barbary, and some parts of Asia, by such light and fine stuffes as will fit*

*those warmer Regions, and yet have sufficient for the cold Clymates to bee spent and adventured in true made cloth, by the reputation both of our Nation and commodity.*

But in this course, I must observe, that these strangers so fit to be nourished, and being Protestants, may have priviledges to use their owne rights in Religion, so as they be not scandalous, as the Dutch and French had granted unto them by Queene *Elizabeth*, and certainly the setling of Religion secure in *England*, the feare whereof made many weake minds to waver and abandon this Countrey, is, and will be a great meanes to resetle both the great and lesser manufactures of woollen commodities.

For the externall causes, wee must flye to the Sanctuary of his Majesties gracious goodnesse and protection, who I am confident, when the whole businesse shall be prepared for him, and that we have shewed him our duty and love, and setled his customes in such a bountifull way, as he may reape his part of the fruit of Trade, I am confident, I say, that he will vouchsafe you all favour fit to be conferred upon good Subjects, and not onely protect you abroad, by his forces and authority, and by treaties with his neighbors, but by increasing the priviledges of Merchants at home, and confirming all their Charters, the

breach

breach whereof hath bin a great discouragement unto them, and without which duely observed, they cannot regulate their Trade.

There are some particulars in the *Spanish* Trade, perhaps worthy of animadversion, as undersel-ling good commodity to make money, or barter for Tobacco, to the imbasement of our owne Staple for Smoake, which in a due place ought to be taken in to Regulation.

Another consideration for a ground of Trade, ought to be the nature of it, with whom, and for what we trade, and which Trade is more principally to be nourished, which out of doubt, are the *Northerne* Trades, which are the roote of all other, because the materials brought from those parts, as from *Wex*, *Muskovie*, *Norway*, *Prussia*, and *Lettonia*, are fundamentall and of absolute necessity; for from these Trades, wee get the materials of Shipping, as Pitch, Tarre, Cordage, Masts, and such like, which inable us to all the *Southerne* Trades of themselves, of lesse use, being onely Wine, Fruit, Oranges, and Curiosities, for Sauces, or effeminacy, but by these, we sayle to the East-Indies, and may erect a Company of the West-Indies; for the golden fleece which shall be prepared for you, whensoever you are ready for so great a Consultation.

The

The right way to nourish these Northern Trades, is by his Majesties favour to presse the King of *Denmarke* to Justice, not to come as his intollerable Taxes newly imposed upon Trade in the passage of the *Sound*, in Examples whereof, the Elector of *Brandenburgh* joyned with the King of *Poland*, hath likewise more then trebled the antient and capitulated Duties, which if that they shall continue, I pronounce all the Commerce of the *Baltique* Sea so over-burthened, *that the East-land Company cannot subsist*, nor without them and the *Muskovie* Company the Navigation, but that the Materials for shipping will be doubled, which will eate out all Trades. I have given you but Essayes, and strooke little sparkes of fire before you, *my intention is but to provoke the wit and ability of others, I have drawne you a Map, wherein you cannot see things clearely and distinctly, onely I introduce matter before you, and now I have done, when I have shewed you the way how to enlarge and bring every particular thing into debate.*

To which end, my motion and desire is this, that we may send to every severall Company of Merchants Trading in Companies, and under Government and Priviledges, and to aske of them, what is their Grievances in their generall Trade (not to rake into private Com-

plaints

plaints, what is the cauſes of decay or abuſes in their Trades, and of the want of money, which is viſible and of the great loſſes, both to the Kingdome and to every particular, by the late high exchanges, and to deſire every one of theſe companies to ſet downe their judgement in writing to the Committee by a day appointed, and having from them all the generall ſtate of the complainrs ſeverally, wee ſhall make ſome judgements, of theſe relations one to another, this done, I deſire to require all the ſame ſeverall companies upon their owne papers to propoſe to us in writing the Remedies appliable in their judgement, which materials having altogether and comparing one with another wee ſhall diſcover that trueth which wee ſeeke, that is, whether Trade and Money decay or not, and how to remedy it.

But I have one requeſt more, and ſo I will eaſe you of my loſſe of your time. That when from all theſe Merchants we ſhall have before us ſo much matter and without ſuch variety, and perhaps not without private, and partiall ends, that then you will give me leave to repreſent to you the names of ſome generall and others diſintereſſed and well experienced

in

in many particulars, who may assist our judgements in all the premisses particularly in moneyes and Exchanges, and give us great light to prepare our result and resolution, to bee by the whole House of Commons represented to his Majesty, and for expedition that a sub-Committee may be named to direct this Information from the Merchants.

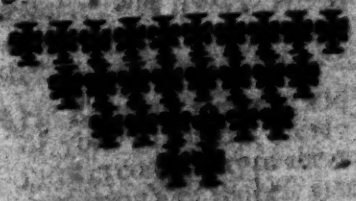
FINIS.

# THE SPEECH OF SERGEANT GLANVILL,

## IN THE VPPER HOVSE OF PARLIAMENT FOR *Peace* and *Vnitie*.

Alſo ſhewing that the way to preſerve peace, is to bee well provided for Warre.

*His Speech was made in Parliament before his*



LONDON,
Printed in the yeare 1641.

# THE SPEECH OF SERGEANT GLANVILL, IN THE UPPER HOUSE OF PARLIAMENT FOR Peace and Unity.

Also shewing that the way to preserve peace, is to be well provided for Warre.

LONDON
Printed in the yeare 1641.

# THE SPEECH OF SERGEANT GLANVILL

## in the upper House of Parliament, for the Redresse of the present Grievances.

*His Majestie being seated on his Throne, Sergeant Glanvill was called to the Barre, being represented by the House of Commons for their Speaker, who spake as followeth.*

*May it please your Majestie,*

THE Knights, Citizens, and Burgesses of your Commons House of Parliament in conformity to ancient and most constant usage, (the best guide in greate solemnities) according to their well known privileges (a sure warrant for their proceedings, and in obedience to your Majesties most gratious commands (a duty well becomming Loyall Subjects) have met together, and chosen a Speaker, one to be the mouth, indeed the servant of all the rest to steare watchfulie and prudently in all their weighty consulta-

tions

tions and debates, to collect faithfully and readily the Votes and genuine sense of that numerous assembly, to propound the same seasonable and in apt questions for their finall resolution, and to present them and their conclusions, their declarations with truth and light, with life and lustre, and with full advantage to your most Excellent Majestie. With what Judgement, with what temper, spirit, and elocution he ought to bee endued, your Majestie in your great wisedome is best able to discerne, both as it may relate to your owne peculiar and important affaires of State to the proper worke and busineſſe of this House of Commons, which was never small or meane, and now like to bee exceeding weighty.

It is a learned age wherein wee live under your Majesties most peacefull government; and your House of Commons is not onely the representative body, but the abstracted quintessence of the whole Communalty of this your noble Realme.

I most humbly therefore beseech your Majestie as the father of the Commonwealth, and hope of the whole nation, to whom the care of all our welfares appertaines, to have respect to your owne interest, have regard to your House of Commons, have compassion upon me the unworthiest member of that body, ready to faint with feare, before the burthen lights on me. I have only a hearty affection to serve you and your people, little abilities for performance; In the stilnesse therefore of your Royall power, your piety, goodnesse, be graciously pleased to command the House of Commons to deliberate upon a better choise who may be worthy of their choosing, and your Majesties acceptations.

*My Lord Keeper having by his Majesties direction confirmed him as Speaker, hee advst himselfe to his Majestie as followeth.*

Most

*Most gratious Soveraigne:*

My profession hath taught me, that from the highest Judge there lies no writ of Error, no appeale; what then remaines, but that I first beseech Almighty God the Authour and finisher of all good works, to enable me to discharge honestly & effectually so great a taske, so great a trust; and in the next place humbly to acknowledge your Majesties favour. Some enemies I might feare, the common enemie of such services, expectation and jealousy; I am unworthy the former, and I contemne the latter. Time the touchstone of truth shall teach the babling world, I am and will bee found an equall freeman, zealous to serve my Soveraigne, zealous to serve my deareſt Country.

Monarchy Royall of all governments the most illustrious and excellent, whether wee regard the glory, wealth, or safety of the governours or people; I hope none of this Nation are of Antimonarchicall spirits, nor friends to such, if there bee, I wish no greater honour to this Parliament, then to discover them and to assist your Majestie to suppresse and confound them.

To behold your Majestie in peace and safety afoards compleat joy to all Loyall Subjects, who cannot but conclude with me in this desire.

*Sensus in Cælum redeas dinque,*
*Lætus in terris Populo Britanno*

*England* is your seate of residency, *Scotland* is your native place, and herein hath the advantage *Ireland* imitates *England* by a great and quicke progression in civility and conversation, in improovement of the soyle and plantation.

*France* is still attendant on your Royall style; A Kings Prerogative is as needful as great, without which he should want that Majestie which ought to bee inse-

parable from his Crowne, nor can any danger reſult thereby to ſubjects liberties, ſo long as both admit the temperament of law and Juſtice, ſpecially under ſuch a Prince, who to your immortall Honour hath publiſhed this to the whole world for your maxime, that the peoples liberties ſtrengthens the Kings Prerogative, and the Kings Prerogative is to defend the peoples liberties; Apples of gold in pictures of ſilver.

Kings as Kings are never ſaid to erre, onely the beſt may bee abuſed by miſinformation; this the higheſt point of Prerogative that the King can doe no wrong; if then by the ſubtilty of miſinformers, by the ſpecious falſe pretences of publique good, by a cunning and cloſe contrivance of their waies to ſeduce the Sacred Royall Perſon, it bee ſurprized and overwrought to command contrary to law, and be executed accordingly; this commands will be void & theſe King innocent even in his very perſon, and the authors of ſuch miſinformations, the actors of ſuch abuſes ſtand expoſed to juſt cenſure, having nothing to defend themſelves but the colour of a void command, made void by juſt prerogative, and the fundamentall reaſons of ſtate.

Touching juſtice, there is not a more certaine ſigne of an upright Judge, then by his patience to bee well informed before ſentence given, and I may boldly ſay, all the Judges in your Kingdome may take example by your Majeſtie, and learne their duties by your practiſe, my ſelfe have often beene a witneſſe thereof to my no little admiration.

From your patience, pleaſe you give mee leave to preſſe to your righteous judgement, and exemplifie it but in one inſtance. When your Lords and people in your laſt Parliament preſented your Majeſtie a Petition concerning their rights and liberties, the Petition being of no ſmall weight, your Majeſtie after mature deliberation, in few but moſt effectuall words; (*ſoit droit fait comme eſt deſiré*) made ſuch an anſwer, as ſhall

renowne

renowne you for juſt Judgement to all poſterity.

Let us hartily pray that this Parliament may bee famous for the advancement of Sacred Religion, and to that end that the moſt Reverend Prelates, ſitting on the right hand of your Kingly ſide, bee moſt forward therein, to whom it is moſt proper.

That the Nobles girt with their ſwords in their creation, and moſt eſpecially rewarded and honored for Actions military: call to minde the moſt renowned Acts of their Anceſtors, whoſe lands and honours they inherite, and how renowned this Land hath beene through the whole World for Art and Armes, and labour to reſtore it to its ancient ſplendor: The beſt way to preſerve peace, is to bee well fitted for War.

But were this Nation never ſo valiant or wealthy, if unity bee not among us what good will riches doe us, or your Majeſtie but inrich the conquerour, he that commands all hearts by love, hee onely commands aſſuredly; greatneſſe without goodneſſe can at beſt but commmand bodies.

It ſhall therefore bee my harty prayer, That ſuch a knot of love may be knit betwixt the Head and members that like Gordius knot it never bee looſed: That all Jeſuited forraigne ſtates who looke a ſquint upon our Hieruſalem may ſee themſelves defeated of all there ſubtill plots and combinations of all their wicked hopes and expectations to render us, if their miſchiefe might take effect, a people inconſiderable at home, and contemptible abroad.

Religion hath taught us (*Si Deus nobiſcum quis contra nos,*) and experience I truſt will teach us (*Si ſumus inſeperabiles ſumus inſuperabiles.*) It was found and I hope it ſtill ſhall and will bee the Tenet of the Houſe of Commons; That the King and peoples good cannot bee ſevered: And curſed be every one that goes about to divide them.

*FINIS.*

FINIS.

# SIR WILLIAM PARKINS SPEECH

TO

THE *HOVSE* OF *COMMONS* in PARLIAMENT, Concerning the Present *Eſtabliſhment* of *Church-Government*, Iuly 5th. 1641.

Printed in the yeare, 1641.

# WILLIAM PARKINS'S SPEECH

TO

THE HONSE OF COMMONS

in PARLIAMENT, Concerning the

Prelent Eſtabliſhment of Church-Govern-

ment, July 5th. 1641.

# SIR WILLIAM PARKINS SPEECH to the *House* of COMMONS,

CONCERNING

## The eſtabliſhment of *Church-Government*, July *the* 5th. 1641.

Mr. *Speaker*,

I Stand not up in my own particular behalfe, but in the univerſall and generall name of the whole Kingdome; Alas, Mr. *Speaker*, they depend all upon our exemplary Iuſtice, which if we doe fully execute, will not onely give great and plenary ſatisfaction to our Nation,

but will likwise cause the Land to smile hereafter with the blessed beames of prosperous felicitie: but if the least errour and smalest deliration be over-seene by us (oh! it strikes my trembling minde with horrour to thinke on it) how will all things precipitate themselves into ruine most irrevocable, but I speake not this as if any here would omit or extenuate the supremacy of Iustice in the least thought: to admonish you of that point, were to bid the Moone keepe her monethly course, the Spheares to reduce themselves in their circumference, or the Sunne to shine upon the earth: but I speake this onely to adde a spurre unto you, least we should at any time languish in our heav'n-proceeding Iurney. The cries of the people have come up unto me, the voyce of the whole Nation tingles in my eares; and me thinkes I heare each subject wish that wee would briefely establish the Church Covernment with all expidition. Let us first begin to confirme our Religion, and God will blesse our other proceedings the better: that was alwayes my opinion, and I am sure the expectation of the whole kingdome; How long have we set here, and how little have wee effected

fected? How much time have we consumed, and what little have wee performed herein: How long have we laboured in this our dayly travell, and as yet have brought forth but an *Embryo*, in what we did intend? Tis true, I confesse, we have fomented our selves with dayly troubles & vexations, and bin very solicitous for the welfare of the Common-wealth, but what have we performed? or what have we perfected. I will once more relate what my former opinion was, let us (I say) begin in the reall establishment of our Religion, and (as I said) all our other determinations will succeede with a better *Omen*; for indeede most of our Delinquents are linkt to this chaine, they depend most on this point, therefore we should doe well to enter speedily upon the Work. *Mr. Speaker*, excuse my zeale in this case; for my mouth cannot imprison what my minde intends to let out, neether can my tongue conceale that which my heart desires to promulge. Behold, the *Arch-Bishop* (that great Incendiary, of this Kingdome) lyes now like a fire-brand rak'd up in the Embers, but if he ever chance to blaze againe, I am afraid, what heretofore he had but in a sparke, he will ful-

ly burne downe to the ground in a full flame. Wherefore Mr. *Speaker*, let us begin, for the Kingdome is pregnant with expectation in this point: I confesse there are many more Delinquents, for the Iudges and other Knights walke in *Quirpo*, but they, are but thunderbolts forg'd in *Canterburies* fire: Looke upon them all with an impartiall eye, and you will finde them all but as poluted rivers flowing from that corrupt fountaine. Well? is it so then, that all depend on Religion? why are we then so backward in not Reforming the Church? why do we stike in this point, and not rather proceede in it with all expedition? For indeede, according to the Lawes of this *Kingdome*, as it hath the dignity of preeminence, so let us give it the priority in our determinations.

*Mr. Speaker*, thinke with your selfe, I pray, in what faction the Church is now, in what Schisme, in what confusion of distracted Sectaries it is promiscuously shaken: Behold the *Papists* will have their way the *Brownists* will have their way, the *Anabaptists* their way, the *Puritan* (as some call them) their way, the *Jesuiticall Priests* their way; and

in

in these various wayes they make such a labarynth of Religion, that few or none scarce can finde out the right way. It behoves us therefore, and is expedient that we should adde a period to these irregular wayes, that the vulgar may no longer wander ill in these destracted parts. *Mr. Speaker*, I have now unloaded my mind of her weary burthen, and I beseech you digest my words with your serious considerations in this respect of establishing the Church-Government, in true, sincere, perfect, and unpoluted Religion; which if we doe performe, and fully effect, wee shall doe great Honour to God, get great credit to our selves, and give great satisfaction to the whole Kingdome.

This is my Opinion, this is my Expectation, this is my Prayer; and lastly, this is my Hope.

FINIS.

BRITISH MUSEUM

34

# A SPEECH

made by the Honourable

## DENZEL HOLLIS

Esquire; at that time (when the Judges had their Charge) concerning Sir RANDOL GREW.



*London*,
Printed by *E. G.* for *L. Blaikelocke*, and are to be sold at his shop next Temple Barre, in Fleet-street. 1641.

# SPEECH

made by the Honourable

DENZEL HOLLIS

Esquire; at that time (when the

Judges had their Charge) concer-

ning Sir RANDOL. CREW.

London,

Printed by E. G. for L. Blackmore, and are to be

sold at his shop next Temple Barre,

in Fleet-street. 1641.



# When the Charge went up against the Judges, I was appointed to carry up the desire of the House Concerning, S. R. C.

MY Lords, These Gentlemen have represented unto your Lordships the sad object of justice perverted, liberty oppressed, of judgement turned into wormewood, the lawes which should be the barres of our gates, to protect us, keepe us, and all that is ours in safety, made weake and impotent, to betray us into the hands of violence, instead of props to support us, become broken reeds to deceive us, and runne into our sides when we leane upon them, even so many snares to entrap and entangle us.

And all this by the perfidiousnesse of those, who are entrusted with our lawes, who call themselves the Guardians and the Interpreters of the Law, but by their accursed glosses have confounded the Text, and made it

ſpeake another language, and another ſence, then ever our Anceſtors the Law-makers intended.

Our Anceſtors made lawes to keepe themſelves, their poſterity after them in the poſſeſſion of their eſtate; theſe Judges could make the Law it ſelfe rob us and deſpoile us of our eſtates. Were we invaded and perſecuted at any time for pretended crimes, or rather becauſe they were free from crime? and did we put our ſelves upon a legall defence, and ſhelter our ſelves under the buckler of the law, uſe thoſe lawfull weapons, which Juſtice and Truth and the common right of the ſubject did put into our hands; would this availe us? no, theſe Judges would make the Law wreſt our weapons from us, diſarme us, take away all our defence, expunge our anſwers, even binde us hand and foot, and ſo expoſe us naked & bound, to the mercileſſeneſſe of our oppreſſors; were our perſons forced and impriſoned by an act of power, would the law relieve us, when we appealed unto it? No, it would joyne hands with violence, and adde bitterneſſe to our ſorrow; theſe Judges would not heare us when we did cry, no importunity could get a *Habeas Corpus*; nay, our cryes would diſpleaſe them, and they would beat us for crying, and overdoe the unjuſt Judge in the Goſpell, with whom yet importunity could prevaile?

My Lords, The Commons of England finding themſelves in this lamentable condition, by the wickedneſſe of theſe Iudges; it is no wonder that we complaine of them; it is no wonder, if the Knights, Citizens, and Burgeſſes aſſembled in Parliament, have ſent up ſome of their members to ſtand upon Mount Ebal to curſe theſe Iudges; to denounce a curſe upon them who have removed our landmarkes, have taken away the bound ſtones of the propriety of the ſubject, have left no *Meum & Tuum*, but he that

had

had moſt might, had moſt right, and the law was ſure to be of his ſide.

It hath beene the part of theſe Gentlemen who have ſpoken before me, to pray for juſtice upon thoſe men, who would not doe juſtice to others. My Lords, I come upon an other errand, and yet for juſtice too, for there is juſtice upon Mount Gerezim, as well as upon Mount Ebal. It is as great a point of Iuſtice to give a bleſsing, a reward, where it is due, as puniſhment where puniſhment is due: For reward and puniſhment, *Premium & pœna*, be the two legges that Iuſtice walkes on, and reward is her right legge, the more noble and the more glorious ſupporter of that ſacred and divine body, that which God himſelfe the fountaine of juſtice doth more delight in.

*Tardior ad pœnas Deus eſt, ad præmia velox.*

Puniſhment is good, as Phiſick in the conſequence, reward as wholeſome and nouriſhing food, in the eſſence; the one we do, becauſe we muſt do it as neceſſary, the other, becauſe we love to do it as being pleaſing and delightfull.

Your Lordſhips then, I doubt not, will as willingly joyne with the Commons, in doing good to a good Iudge, as in puniſhing of the bad.

My Lords, we honour them and reckon them Martyrs for the Common-wealth, who ſuffer any thing by defending the common right of the ſubject, when they will not part with their own goods contrary to law; when indeed their private intereſt goes along with it, or rather before it, and the publique concernement ſeemes to come but in a ſecond place; ſuch were thoſe many, whom theſe

Iudges

Iudges have oppreſſed; yet theſe men we magnifie and judge worthy of praiſe and reward.

But what honour then is he worthy of, who meerely, for the publick, hath ſuffered himſelfe to be diveſted and deprived of his particular, ſuch a Iudge as would loſe his place, rather then do that which his conſcience told him was prejudiciall to the Common-wealth: is not he worthy of double honour?

And this did that worthy reverend Iudge, the Chiefe Iudge of England at that time, Sir *Randal Crew*, becauſe he would not by ſubſcribing countenance the loane in the firſt yeare of the King, contrary to his oath and conſcience, he drew upon himſelfe the diſpleaſure of ſome great perſons about his Majeſtie, who put on that project, which was afterwards condemned by the petition of right, in the Parliament of *tertio* as unjuſt and unlawfull, and by that meanes he loſt his place of Chiefe Iuſtice of the Kings bench, and hath theſe fourteene yeares by keeping his innocency loſt the profit of that office, which upon a juſt calculation in ſo long a revolution of time, amounts to 26000l or thereabouts.

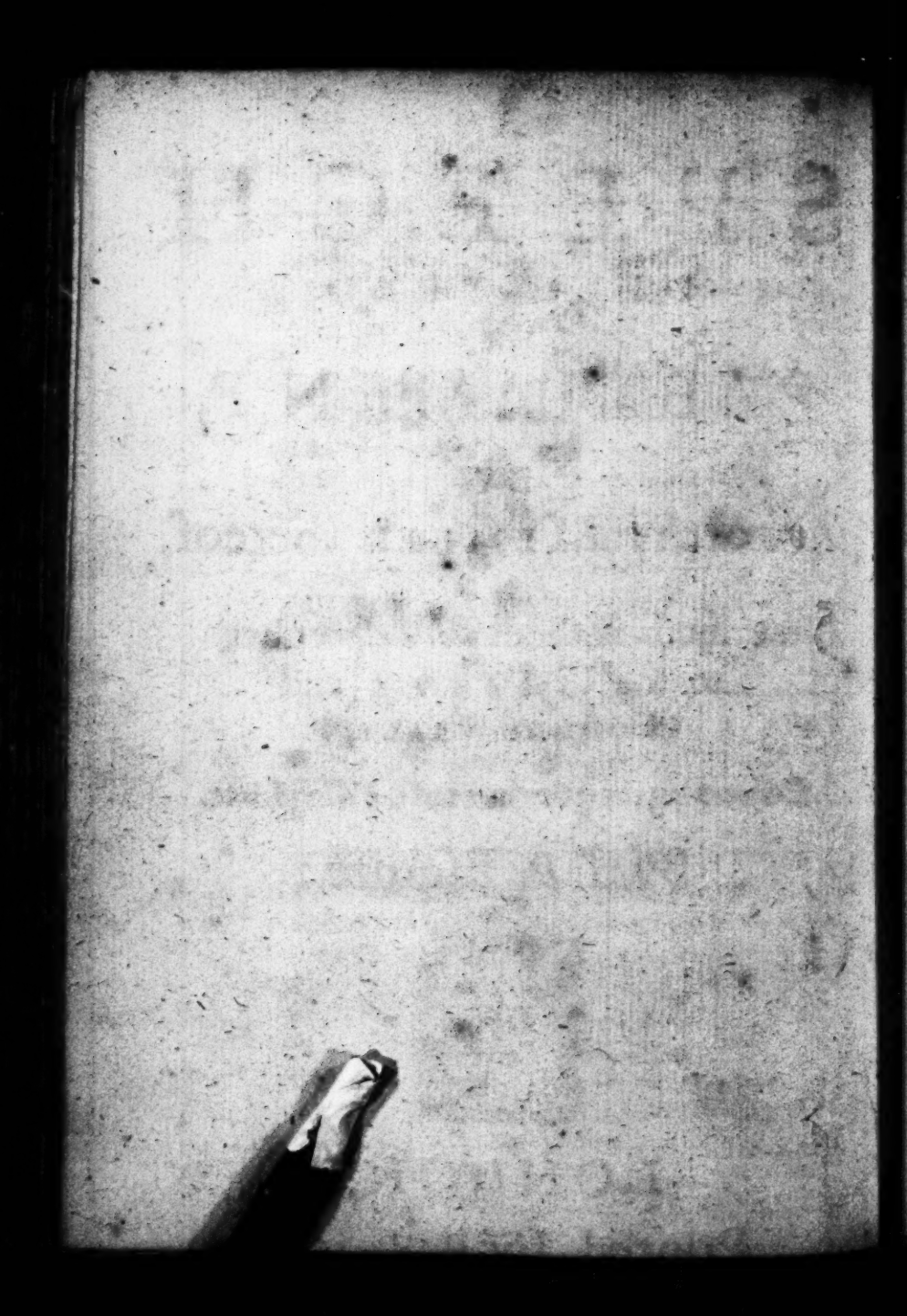
He kept his innocency when others let theirs go, when himſelfe and the Common-wealth were alike deſerted, which raiſes his merit to a higher pitch; For to be honeſt when every body elſe is honeſt, when honeſty is in faſhion, and is Trump, as I may ſay, is nothing ſo meritorious; but to ſtand alone in the breach, to owne honeſty when others dare not do it, cannot be ſufficiently applauded, nor ſufficiently rewarded. And that did this good old man do: in a time of generall deſertion he preſerved himſelfe pure and untainted.

*Temporibuſque malis auſus es eſſe bonus.*

My

My Lords, the Houſe of Commons are therefore ſutors unto your Lordſhips, to joyne with them in the repreſentation of this good mans caſe unto his Majeſtie, and humbly to beſeech his Majeſtie to be ſo good and gracious unto him, as to give him ſuch honour (the quality of this caſe conſidered) as may be a noble marke of ſoveraigne grace and favour, to remaine to him and his poſterity, and may be in ſome meaſure a proportionable compenſation for the great loſſe he hath with ſo much patience and reſolution ſuſtained.

FINIS.



35

# A SPEECH DELIVERED IN PARLIAMENT,

BY

A worthy MEMBER thereof,

AND

A most faithfull VVell-wisher to the CHURCH and COMMON-WEALE;

Concerning the grievances of the Kingdome.

By *I: Pim* Esquire.



LONDON,

Printed for

# A SPEECH

DELIVERED

IN

PARLIAMENT,

BY

A worthy MEMBER thereof,

A most faithfull Well-wisher

to the CHURCH and

COMMON-WEALE;

Concerning the grievances of the Kingdome.

By I. P. Esquire.



LONDON,

Printed for I. L.

# A SPEECH

DELIVERED

In PARLIAMENT,

BY

A worthy Member therof,

and a moſt faithfull well-wiſher

to the Cauſe.



Never Parliament had greater buſineſſes to diſpatch, nor more difficulties to encounter, therefore wee have reaſon to take all advantages of order and addreſſe, and hereby we ſhall not only doe our owne worke, but diſgoſt and inable our ſelves for the better ſatisfaction of

The prudent conſideration of grievances will further the ſupply

of his Majesties desire of supply. The grievances being removed, our affections will carry us with speede and cheerefulnesse, to give his Majestie that which may bee sufficient both for his honour and support. Those that in first place shall endevour to redresse the grievances, will be found not to hinder, but to bee the best furtherers of his Majesties service: hee that takes away weights, doth as much advantage motion, as he that addeth wings.

Great workes are first to bee considered in the modell.

Divers pieces of this maine worke have beene already propounded, his endeavour should be to present to the House a modell of the whole. In the Creation God made the world according to the *Ides* or forme, which was eternally preexistent in the divine minde. *Moses* was commanded to frame the Tabernacle after the patterne shewed him in the Mount. Those actions are seldome well perfected in the execution, which are not first well moulded in the designe, and proposition.

A double method compounded of grievances and cures.

He said, he would labour to contract those manifold affaires both of the Church and State, which did so earnestly requite the wisedome and faithfulnesse of this House, into a double method of grievances and cures: and because there wanted not some who pretended, that these things wherewith the Common-wealth is now grieved, are much for the advantage of the King, and that the redresse of them will be to his Majesties great disadvantage and losse (hee said) he doubted not but to make it appeare, that in discovering the present great distempers and disorders, and procuring remedie for them, we should bee no lesse serviceable to his Majestie, who hath summoned us to this great Councell, than usefull to those whom we doe here represent: for the better effecting

Publike grievances disadvantagious to the King.

wherein

whereof, he propounded three maine branches of his discourse.

The first generall division.

In the first (he said) he would offer them the severall heads of some principall grievances, under which the Kingdome groaned.

1.

In the second, he undertook to prove, that the disorders from whence those grievances issued, were as hurtfull vnto the King, as vnto the people.

2.

In the third, he would advise such a way of healing and removing those grievances, as might bee equally effectuall to maintaine the honour and greatnesse of the King, and to procure the prosperitie and contentment of the people.

3.

In the handling whereof he promised to use such expressions as might mitigate the sharpnesse and bitternesse of those things whereof hee was to speake, so farre as his duty and faithfulnesse would allow.

Sharpe matters to be mitigated in the expression.

It is a great Prerogative to the King, and a great honour attributed to him, in a Maxime of our Law, that he can doe no wrong, he is the fountaine of Iustice: and if there be any injustice in the execution of his Commands, the Law casts it vpon the Ministers, and frees the King. Activitie, life, and vigour, are conveyed into the sublunary creatures, by the influence of Heaven: but the malignitie and distemper, the cause of so many Epidemicall diseases, doe proceed from the noysome vapours of the earth, or some ill affected qualities of the aire, without any infection or alteration of those pure, celestiall and incorruptible bodies. In the like manner (he said) the authoritie, the power and countenance of Princes may concur in the actions of evill men, without partaking in the injustice and obliquitie of them. These matters whereof we complaine, have beene presented to his Ma-

The King can do no wrong.

Hurtfull projects presented to the King under plausible notions.

Majestie, either under the pretence of Royall prerogatives, which he is bound to maintaine, or of publike good, which is the most honourable object of Regall wisedome. But the covetous and ambitious designes of others, have interposed betwixt his Royall intentions, and the happinesse of his people, making those things pernicious and hurtfull, which his Majestie apprehended as just, and profitable.

A promise of moderation.

He said, the things which he was to propound, were of a various nature, many of them such as required a very tender and exquisite consideration, In handling of which, as he would be bold to use the liberty of the place and relation wherein he stood, so he would be carefull to expresse that Modestie and humilitie, which might be expected by those, of whose actions he was to speake. And if his judgement, or his tongue should slip into any particular mistake, he would not thinke it so great a shame, to faile by his owne weaknesse, as hee should esteeme it an honour and advantage, to be corrected by the wisdome of that House, to which he submitted himself, with this protestation, that he desired no reformation so much as to reforme himselfe.

Submission to reformation.

Religion.

The greatest libertie of the Kingdome, is Religion; thereby we are freed from spirituall evils, and no impositions are so grievous, as those that are laid upon the soule. The next great libertie is Iustice, whereby we are preserved from injuries in our persons, and estates, from this is derived into the Commonwealth, peace, and order, and safetie, and when this is interrupted, confusion and danger are ready to overwhelme all. The third great libertie consists in the power and priviledge of Parliaments, this is the fountaine of law, the great Councell of the

Iustice.

Priviledge of Parliament.

Kingdome, the higheſt Court: this is inabled by the Legiſlative and Conſiliarie power, to prevent evils to come; by the Judiciarie power, to ſuppreſſe and remove evils preſent. If you conſider theſe three great liberties in the order of dignitie, this laſt is inferiour to the other two, as Meanes are inferiour to the end; but if you conſider them in the order of neceſſitie, and uſe, this may juſtly claime the firſt place, in our care, becauſe the end cannot be obtained without the meanes: if we doe not preſerve this, we cannot long hope to enjoy either of the other. Therefore (hee ſaid) being to ſpeake of thoſe grievances which lie upon the Kingdome, hee would obſerve this order.

The order propounded in handling theſe 3 great liberties.

1. Firſt to mention thoſe, which were againſt the priviledge of Parliaments.

2. Thoſe which were prejudiciall to the Religion eſtabliſhed in the Kingdome.

3. Thoſe which did interrupt the juſtice of the Realme, in the libertie of our perſons, and propriety of our eſtates.

The priviledges of Parliament were not given for the ornament or advantage of thoſe, who are the members of Parliament, they have a reall uſe and efficacie, towards that which is the end of Parliaments: we are free from ſuits, that we may the more intirely addict our ſelves, to the publike ſervices: we have therefore libertie of ſpeech, that our Counſels may not be corrupted with feare, or our judgements perverted with ſelfe reſpects; thoſe three great faculties and functions of Parliament, the Legiſlative, Iudiciarie, and Conſiliarie power, can not bee well exerciſed without ſuch priviledges as theſe. The wiſedome of our Lawes, the faithfullneſſe of our

The neceſſitie and importance of the priviledge of Parliament.

Counsels, the righteousnesse of our Iudgements can hardly be kept pure and untainted, if they proceed from distracted and restrained mindes.

It is a good Rule of the Morall Philosopher, *Et non ladas mentem gubernatricem omnium actionum:* These powers of Parliament are to the bodie politike as the rationall faculties of the soule, to a man. That which keepes all the parts of the Commonwealth in frame, and temper, ought to be most carefully preserved in that freedome, vigour, and activitie, which belongs to it self. Our predecessors in this house, have ever been most carefull in the first place, to settle and secure their priviledges: and (he said) he hoped that we having had greater breaches made upon us than heretofore, would be no lesse tender of them, and forward in seeking reparation for that which is past, and prevention of the like for the time to come.

Particular breaches of Priviledge.

Then hee propounded divers particular points wherein the Priviledge of Parliament had beene broken.

1 Restraint of speech.

First, in restraining the members of the House from speaking.

2 Interdict of questions.

Secondly, in forbidding the Speaker to put any Question.

These two were practised the last day of the last Parliament (and, as was alledged, by his Majesties command) and both of them trench upon the very life and being of Parliaments, for if such a restraining power as this should take root, and bee admitted, it will be impossible for us to bring any resolution to perfection in such matters as shall displease those about the King.

Imprisonment of Members.

Thirdly, by imprisoning divers Members of

the House for matters done in Parliament.

Fourthly, by indictments, informations, and judgments in ordinarie and inferiour Courts, for speeches and proceedings in Parliaments. Indicial proceedings.

Fifthly, the disgracefull order of the Kings Bench, whereby some members of this House were injoyned to put in securitie of the good behaviour, and for refusall thereof, they were continued in prison, divers yeares, without any particular allegation against them: one of them was freed by death, others not dismissed till his Majestie had declared his intention, to summon this Parliament. And this he noted, not only as a breach of priviledge, but as a violation of the common justice of the Kingdome. Order to bee bound to the good behaviour,

Sixthly, by the sudden and abrupt dissolution of Parliaments, contrary to the law and custome. It hath beene often declared in Parliaments, that the Parliament should not be dissolved, till the petitions be answered. This (he said) was a great grievance because it doth prevent the redresse of other grievances. Abrupt dissolutions of Parliaments,

It were a hard Case, that a private man should bee put to death without being heard: As this representative body of the Commons, receives a being by the summons, so it receives a Civill death by the dissolution. Is it not a much more heavie doome, by which wee lose our being, and have this civill death inflicted on us, in displeasure, and not to be allowed time and libertie to answer for our selves? that we should not only die, but have this marke of infamy laid upon us, to bee made *Intestabiles*, disabled to make our Wills, to dispose of our businesse, as this House hath alwayes used to doe, before Ad-

journaments or diſſolutions? yet this, hath often beene our caſe; we have not beene permitted to powre out our laſt ſighes and groanes, into the boſome of our deare Soveraigne; the words of dying men are full of piercing affections: if we might be heard to ſpeake, no doubt wee ſhould ſo fully expreſſe our love, and faithfulneſſe to our Prince, as might take off the falſe ſuggeſtions and aſperſions of others: at leaſt we ſhould in our humble ſupplications, recommend ſome ſuch things to him in the name of his people, as would make for his owne honour, and the publike good of his Kingdome.

Grievances concerning religion.

Thus hee concluded the firſt ſort of grievances, being ſuch as were againſt the priviledge of Parliament, and paſſed on to the next, concerning Religion: all which hee conveyed under theſe foure heads.

Incouragemēt of poperie.

1 The firſt, was the great incouragement given to poperie, of which he produced theſe particular evidences.

Suſpenſion of Lawes.

1 A ſuſpenſion of all Lawes againſt Papiſts, whereby they enjoy a free, and almoſt publike exercife of that Religion, and thoſe good Statutes which were made for reſtraint of Idolatrie, and ſuperſtition, are now a ground of ſecuritie to them, in the practice of both, being uſed to no other end, but to get money into the Kings purſe: which as it is clearely againſt the intentions of the Law, ſo it is full of miſchiefe to the kingdome.

By this meanes a dangerous partie is cheriſhed, and increaſed, who are ready to cloſe with any opportunitie of diſturbing the peace and ſafetie of the State. Yet (hee ſaid) hee did not deſire any new

Laws

Lawes againſt poperie, or any rigorous courſes in the execution of thoſe alreadie in force; hee was farre from ſeeking the ruine of their perſons or eſtates, onely hee wiſht they might bee kept in ſuch a condition, as ſhould reſtraine them from doing hurt.

It may bee objected, there are moderate and diſcreet men amongſt them, men of eſtates, ſuch as have an intereſt in the peace and proſperitie of the Kingdome, as well as wee. Theſe (hee ſaid) were not to bee conſidered according to their owne diſpoſition, but according to the nature of the body, whereof they are parties. The Planets have ſeverall and particular motions of their owne, yet they are all rapt and tranſported into a contrarie courſe, by the ſuperiour Orbe which comprehends them all. The principles of Poperie are ſuch, as are incompatible with any other Religion: there may bee a ſuſpenſion of violence, for ſome by reſpects, but the ultimate end, even of that moderation, is, that they may with more advantage extirpate that which is oppoſite to them. Lawes will not reſtraine them, Oathes will not, the Pope can diſpence with both theſe, and where there is occaſion, his command will act them, to the diſturbance of the Realme, againſt their owne private diſpoſition, yea, againſt their owne reaſon and judgement to obey him, to whome they have (eſpecially the Ieſuiticall partie) abſolutely and intirely obliged themſelves, not onely in ſpirituall matters, but in temporall, as they are in order *ad Spiritualia*. *Henry* the third, and *Henry* the fourth of *France*, were no Proteſtants themſelves, yet were murthered, becauſe they

There can bee no ſecuritie from papiſts.

but

In their diſabilitie.

tolerated the proteſtants, by which and many other preſidents it appeares, that the King, that the Kingdome can have no ſecuritie but in their weaknes and diſabilitie to doe hurt.

Admiſſion into places of power.

2 A ſecond incouragement is, their admiſſion into places of power and truſt in the Common wealth, whereby they get many dependants and adherents, not only of their owne, but even of ſuch as make profeſſion to be proteſtants.

Free reſort to London and the Court.

3 A third, their freedome of reſorting to *London*, and the Court, whereby they have opportunitie, not only of Communicating their Counſels, and deſignes one to another, but of diving into his Majeſties Counſels, by the frequent acceſſe of thoſe who are active men amongſt them, to the tables and company of great men, and under ſubtile pretences and diſguiſes, they want not meanes of cheriſhing their owne projects, and of indeavouring to mould and biaſſe the publike affaires to the great advantage of that partie.

4 A fourth, that as they have a congregation of Cardinals at *Rome*, to conſider of the apteſt wayes and meanes of eſtabliſhing the Popes authoritie and Religion in *England*. ſo they have a Nuncio here, to act and diſpoſe that partie to the execution of thoſe counſels, and by the aſſiſtance of ſuch cunning and Ieſuiticall ſpirits as ſwarme in this town, to order and mannage all actions, and events, to the furtherance of that maine end.

Innovations in matters of Religion.

2 The ſecond grievance in Religion, was from thoſe manifold innovations lately introduced into ſeverall parts of the Kingdome, all inclining to poperie, and diſpoſing and fitting men to entertaine it: the particulars are theſe.

1. Di-

1 Divers of the chiefeſt points of Religion in difference betwixt us and the papiſts have beene publikely defended in licenſed Bookes, in Sermons, in Vniverſitie acts and diſputations. Maintainance of popiſh tenets.

2 Divers popiſh Ceremonies have beene not only practiſed, but countenanced, yea little leſſe than injoyned, as Altars, Images, Crucifixes, bowings, and other geſtures and obſervances, which put upon our Churches a ſhape and face of poperie. Hee compared this to the drie bones in *Ezekiel*, firſt they came together, then the ſinewes and the fleſh came upon them, after this the skin covered them, and then breath and life was put into them: ſo (he ſaid) after theſe men had moulded us into an outward forme and viſage of poperie, they would more boldly endeavour to breath into us the ſpirit and life of poperie. Practice of popiſh ceremonies.

3 The third grievance, was the countenancing and preferring thoſe men, who were moſt forward in ſetting up ſuch Innovations, the particulars were ſo well knowne, that they needed not to be named. Preferment of men popiſhly inclined.

4 The fourth was, the diſcouragement of thoſe who were knowne to bee moſt conſcionable, and faithfull profeſſors of the truth: ſome of the wayes of effecting this, he obſerved to be theſe. Diſcouragement of true profeſſors.

1 The courſes taken to inforce and inlarge thoſe unhappy differences, for matters of ſmall moment, which have beene amongſt our ſelves, and to raiſe up new occaſions of further diviſion, whereby many have beene induced to forſake the land, not ſeeing the end of thoſe voluntarie and humane Injunctions in things appertaining to Gods worſhip: whereas thoſe who are indeed lovers of Religion, and of the Churches of God, would ſeeke to make up thoſe breaches Inlargement of the differences among our ſelves.

breaches, and to unite us more entirely against the common enemie.

Over-rigid prosecution of the scrupulous for things indifferent.

2 The over rigid prosecution of those who are scrupulous in using some things enjoyned, which are held by those who enjoyn them, to be in themselvs indifferent. It hath beene ever the derfie of this House, expreſt in many Parliaments in Queene *Elizabeths* time and since, that such might bee tenderly used. It was one of our petitions delivered at *Oxford* to his Majestie that now is: but what little moderation it hath produced, is not unknowne to us all, any other vice almost may be better indured in a Minister than Inconformitie.

Vnjust punishments for matters not by law.

3 The unjust punishments, and vexations of sundry persons for matters required, without any warrant of Law: as

Reading the booke.

For not reading the booke concerning recreation on the Lords day.

The Table set Altarwise.

For not removing the Communion Table to bee set Altarwise at the East end of the Chancell.

Comming to the Railes.

For not comming up to the Railes to receive the Sacrament.

Preaching upon the Lords day.

For preaching the Lords day in the afternoone.

Varying from the chatechism

For catechising in any other words and manner than in the precise words of the short chatechisme in the Common prayer booke.

The fifth and last grievance concerning Religion, was the incroachment and abuse of Ecclesiasticall jurisdiction: the particulars mentioned are these.

Abuse of Ecclesiasticall jurisdiction.

In fining and imprisoning.

1 Fining and imprisoning in cases not allowed by law.

Claiming jurisdiction to be *Jure Divino*.

2 Their challenging their jurisdiction to be appropriate to their order, which they alledge to be *Jure Divino*.

3 The

3. The contriving and publishing of new articles, upon which they inforce the Churchwardens to take oathes, and to make inquiries and presentments, as if such articles had the force of Canons: and this, he said, was an effect of great presumption and boldnesse, not onely in the Bishops, but in their Archdeacons, Officials, and Chancellours, taking upon themselves a kinde of Synodall authoritie: and the Injunctions of this kinde, might well partake in name with that part of the common law, which is called the Extravagants. Articles of the visitation.

Having dispatcht these severall points, hee proceeded to the third kinde of grievances, being such as are against the common justice of the Realm, in the libertie of our persons, and proprietie of our estates, of which (he said) he had many to propound: In doing whereof, hee would rather observe the order of time, wherin they were acted, than of consequence: but when hee should come to the cure, hee should then perswade the House to begin with those, who were of most importance, as being now in execution, and very much pressing and exhausting the Common wealth. Grievances concerning the libertie of persons and estates.

He began with the Tonnage and Poundage, and other impositions not warranted by law: and because these burdens had long lyen upon us, and the principles which produced them, are the same from whence divers others are derived, hee thought it necessary to premise a short narrative, and relation of the grounds and proceedings of the power of imposing herein practised. It was (hee said) a fundamental truth essential to the constitution and government of this Kingdom, an hereditarie liberty and priviledge of all the free born subjects of the land, that no tax, tal- Tonnage and Poundage impositions.

Not to be taken but by consent in parliament.

Acknowledged by the Conquerour.

of other charge might be laid upon us, without common consent in Parliament, this was acknowledged by the Conquerour, ratified in that contract which he made with this Nation, upon his admittance to the Kingdome, declared and confirmed in the lawes which he published.

Sometimes broken by other Kings, but never denyed.

This hath never beene denyed to any of our Kings, though broken and interrupted by some of them, especially by King *John*, and *Hen.* 3. then againe confirmed by *Mag. Chart.* and other succeeding lawes: yet not so well setled, but that it was sometime attempted by the two succeeding *Edwards*, in whose times the subjects were very sensible of all the breaches made upon the common libertie, and by the opportunitie of frequent Parliaments, pursued them with fresh complaints, and for the most part, found redresse, and procured the right of the subject to bee fortified by new Statutes.

Those breaches repaired by succeeding Parliaments.

Some mixture of evidence for the subject in these very breaches.

He obserued, that those Kings, even in the Acts whereby they did breake the law, did really affirme the subjects libertie, and disclaim that right of imposing, which is now challenged, for they did usually procure the Merchants consent, to such taxes as were laid, thereby to put a colour of justice upon their proceeding, and ordinarily they were limited to a short time, and then propounded to the ratification of the Parliament, where they were cancell'd or confirmed, as the necessity and state of the Kingdom did require.

The grant by Parliament most usuall.

But for the most part, such charges upon merchandize, were taken by authoritie of Parliament, and granted for some short time, in a greater or lesser proportion, as was requisite for supply of the publike occasions, six or twelve in the pound, for one, two, or three yeares, as they saw cause, to bee imployed for

the

the defence of the Sea, and it was acknowledged so clearely to be in the power of Parliament, that they have sometimes beene granted to Noblemen, sometimes to Merchants to bee disposed for that use. Afterward they were granted to the King for life, and so continued for divers descents, yet still as a gift and grant of the Commons.

Arrest variously limited, in respect of time and persons.

Afterwards, Confirmed to the King for life.

Betwixt the time of *Edward* the third, and Queene *Mary*, never Prince (that he could remember) offered to demand any imposition, but by grant in Parliament: Queene *Mary* laid a charge upon cloth, by the equitie of the Statute of Tunnage and Poundage, because the rate set upon wooll was much more than upon cloth; and there being little wooll carried out of the Kingdom unwrought, the Q. thought she had reason to lay somewhat more, yet not so ill to much, as brought them to an equalitie, but that still there continued a lesse charge upon wooll wrought into cloth, than upon wooll carried out unwrought, untill King *Iames*' time, when upon *Nicholsons* project, there was a further addition of charge, but still upon pretence of the Statute, which is that we call the pretermitted custome.

No contrary practice betweene Edw. 3 and Q. Mary.

Pretended equitie for the Custome upon cloth.

The grounds of the pretermitted Custome.

In Queene *Elizabeths* time, one or two little impositions crept in, the generall prosperitie of her raigne overshadowing small errours and innovations: one of these was upon Currans, by occasion of the Merchants complaints that the *Venetians* had laid a charg upon the English cloth, that so we might be even with them, and force them the sooner to take it off: this being demanded by King *Iames*, was denyed by one *Bates* a Merchant, and upon a suite in the Exchequer, was adjudged for the King.

Bates Case.

The judgment therein for the King.

The manner of which judgement was thus: There

were then but three Iudges, in that Court, all differing from one another in the grounds of their sentences. The first was of opinion, the King might impose upon such commodities as were forraign, and superfluous, as Currants were, but not upon such as were native, and to bee transported, or necessarie, and to bee imported for the use of the kingdome. The second Iudge was of opinion, he might impose upon all forraign Merchandise, whether superfluous or, no, but not upon native. The third, that for as much as the King had the custodie of the Ports, and the guard of the Seas, and that hee might open and shut up the parts as he pleased, hee had a prerogative to impose upon all Merchandise, both exported and imported.

Resulting from different opinions of the Iudges.

This single, distracted and divided judgement, is the foundation of all the impositions now in practice: for after this, King *Iames* laid new charges upon all commodities outward and inward, not limited to a certaine time, and occasion, but reserved to himselfe, his heires and successors for ever: The first, impositions in fee simple, that were ever heard of in this Kingdome. This judgement, and the right of imposing thereupon assumed was questioned in *septimo & duodecimo* of that King, and was the cause of the breach of both those Parliaments. In 18. and 21. *Iacobi*, it was declined by this House, that they might preserve the favour of the King, for the dispatch of some other great businesses, upon which they were more especially attentive.

The only foundation of the power of imposing,

followed with complaints,

and preserved by breaches of Parliaments.

In 1. of his Majestie, It necessarily came to be remembred, upon the proposition on the Kings part, for renewing the bill of Tonnage and Poundage, but so moderate was that Parliament, that they thought rather to confirme the impositions already set by a

The redresse desired without diminution of the Kpositi.

Law to be made, than to abolish them by a judgement in Parliament, but that and divers insuing Parliaments have beene unhappilie broken; before that endeavour could bee accomplished, only at the last meeting, a Remonstrance was made concerning the libertie of the Subject, in this point, and it hath alwayes beene expresst to bee the meaning of the House, and so it was (as hee said) his owne meaning in the proposition now made, to settle and restore the right according to law, and not to diminish the kings profit, but to establish it by a free grant in Parliament.

New burdens since the last Parliaments.

Since the breach of the last Parliament his Majestie hath by a new book of Rates very much increased the burden upon Merchandize, and now Tonnage & Poundage, old and new impositions are all taken by Prerogative, without any grant in Parliament, or authoritie of law, as we conceive, from whence divers inconveniences and mischiefes are produced.

Divers mischiefes from these grievances.

The Kingdom bound by one private case.

1 The danger of the president, that a judgement in one Court, and in one case, is made binding to all the Kingdome.

Interruption of justice.

2 Mens goods are seized, their legall suits are stopped, and justice denyed to those, that desire to take the benefit of the Law.

Misimployment of the summes received.

3 The great summs of money received upon these impositions, intended for the guard of the Seas, claimed and defended upon no ground, but of publike trust, for protection of Merchants, and defence of the ports, are dispersed to other uses, and a new taxe raised for the same purposes.

The burdens excessive.

4 These burdens are so excessive, that trade is thereby very much hindered, the commodities of our own, groweth extreamly abased, and those imported much

much inhanced; all which lies not upon the Merchant alone, but upon the generalitie of the subject, and by this means the stock of the Kingdome is much diminisht, our exportation being lesse profitable, and our importation more chargeable. And if the warrs and troubles in the neighbour parts had not brought almost the whole streame of Trade into this Kingdome, we should have found many more prejudiciall effects of these impositions, long before this time, than yet we have done; especially they have beene insupportable to the poore plantations, whither many of his Majesties subjects have beene transported, in divers parts of the Continent, and Islands of *America*, being a designe tending to the honour of the Kingdome, and the inlargement of his Majesties dominions: The adventurers in this noble worke, have for the most part, no other support but Tobacco, upon which, such a heavie rate is set, that the King receives twice as much, as the true value of the commoditie to the owner.

To the American plantations especially.

5 Whereas these great burdens have caused divers Merchants to apply themselves to a way of traffique abroad by transporting goods from one Countrey to another, without bringing them home into England. It hath beene lately endeavoured to set an Imposition upon this trade: so as the King, will have a dutie out of those commodities, which never came within his dominions, to the great discouragement of such active and industrious men.

Impositions upon trade intercourse.

The next generall head of Civill grievances, was inforcing men to compound for Knighthood, which though it may seeme past, because it is divers yeares since it was used, yet upon the same grounds the King may renew it, as often as he pleaseth, for the com-

Compositions for Knighthood.

composition lookes backwards, and the offence comming, is subject to a new fine. The state of that businesse, he layed downe thus:

Heretofore when the services due by tenure, were taken in kind, it were to there should be some way of tryall, and approbation of those, that were bound to such services. Therefore it was ordained, that such as were to doe Knights services, after they came of age, and had possession of their lands, and should bee made Knights, that is, publikely declared, to bee fit for that service, divers ceremonies and solemnities were in use for this purpose; and if by the parties neglect this was not done, he was punishable by fine: there being in those times an ordinary and open way to get Knighthood, for those who were borne up to it.

The Originall ground of the charge.

Although the use of this hath for diverse ages been discontinued, yet there have past very few Kings, under whom there hath not been a generall Summons, requiring those who had lands of such value as the law prescribes, to appeare at the Coronation, or some other great solemnitie, and to bee Knighted, and yet nothing intended but the getting of some small fines: So as this grievance is not altogether new in the kind, though it bee new in the manner, and in the excesse of it, and that in divers respects.

An old grievance in the kind, but New in the manner and excesse, in

1 First, It hath beene extended beyond all intention of, and colour of law, not onely Inneholders, but likewise Leafe-holders, Copy-holders, Merchants and others, scarce any man free from it.

Respect of

2 The Fines have beene immoderate, far beyond the proportion of former times.

The generality

3 The proportion have beene without any example, president, or rule of justice: for though those

Greatnesse of fines.

that

Multiplication of distresses & issues.

that were summoned did appeare, yet distresses infinite were made out against them, and issues increased and multiplyed, and no way open to discharge those issues, by plea or otherwise, but onely by compounding with the commissioners at their owne pleasure.

Monopolies introduced by the Sope patent undertaken by papists.

3 The third was, The great Inundation of Monopolies, whereby heavie burthens are laid, not only upon forraigne, but also Native commodities. These began in the Sope-Patent, the principall undertakers in this, were divers popish Recusants, men of estate and qualitie, such as in likelyhood did not only aime at their private guine, but that by this open breach of Law, the King and his people might bee more fully divided, and the wayes of Parliament men more throughly obstructed. Amongst the infinite inconveniences and mischiefes which this did produce, these few may bee observed.

Full of mischiefe.

1 The impairing the goodnesse, and inhauncing the price of most of the Commodities and Manufactures of the Realme, yea of those, who are of most necessarie and common use, as Salt, Sope, Beere, Coles, and infinite others.

1 The price of commodities increast and goodnes abated.

2 That under colour of Licences, Trades, and Manufactures are restrained to a few hands, and many of the Subjects deprived of their ordinary way of livelyhood.

Restraint of trade.

3 That upon such illegall grantes, a great num-

ber

ber of persons had beene unjustly vexed by Pursevants, Imprisonments, attendance upon the Councell Table, seisure of goods, and many other wayes.

Illegall imprisonments and vexations.

4 The fourth, that great and unparalleld grievance of the Shipmoney, which though it may seeme to have more warrant of Law than the rest, because there hath a judgement past for it, yet in truth it is thereby aggravated, if it bee considered, that that judgement is founded upon the naked opinion of some Iudges, without any written law, without any custome, or authoritie of Law bookes, yea without any one president for it. Many expresse lawes, many declarations in Parliaments, and the constant judgment and practice of all times being against it, yea in the nature of it, it will be found to be disproportionable to the case of necessitie which is pretended to be the ground of it.

Shipmoney.

Aggravated, not supported by the judgement.

Which is not grounded upon any law, custome president or authoritie of law bookes.

Necessitie excludes all formalities and solemnities, it is no time then to make levies and taxes, to build and prepare Ships, every mans person, every mans Ships are to be imployed for the resisting of an invading enemie: the right on the subjects part was so cleare, and the pretences against it so weake, that hee thought no man would venture his reputation or conscience in the defence of that judgement, being so contrary to the grounds of the Law, to the practice of former times, and so inconsistent in it selfe.

The course unproper for a case of necessitie.

Abounding in varietie of Mischiefes.

amongst many inconveniences and obliquities of this grievance he noted these.

The Generall extent and remedilesse condition.

1 That it extendeth to all persons, and to all times, it subjected our goods to distresse, and our persons to imprisonment, and the causes of it being secret and invisible, referred to his Majesties brest alone, the subject was left without possibilitie of exception, and reliefe.

Arbitrary proportion.

2 That there was no rules or limits for the proportion, so that no man knew what estate he had, or how to order his course or expences.

Imposed by writ disposed by instructions.

3 That it was taken out of the Subjects purse, by a writt, and brought into the Kings Coffers by instructions from the Lords of his Most honourable privie Councell. In the legall defence of it, the Writ only did appeare, of the instructions, there was no notice taken, which yet in the reall execution of it, were most predominant. It carryes the face of service in the Writ, and of Revenue in the instructions, if this way had not beene found to turne the Ship, into money, it would easily have appeared how incompatible this service is with the office of a Sheriffe, in the inland Counties, and how incongruous and inconvenient for the inhabitants. The law in a body politike is like nature, which alwayes prepareth and disposeth proper and fit instruments and Organes, for every naturall operation.

Improper for the Sheriffes.

Unprovided for by law.

peration, if the Law had intended any ſuch charge as this, there ſhould have beene certaine rules, ſuitable meanes and courſes, for the leving and managing of it.

5 The fift was the Inlargement of the Forreſts beyond the bounds and perambulations appointed and eſtabliſhed by act of Parliament, twenty ſeven, and twenty eight *Edward* the *firſt*, and that this is done upon the ſame reaſons and exceptions which had beene on the Kings part propounded, and by the Commons anſwered in Parliament, not long after that eſtabliſhment. It is not unknowne to many in this Houſe, that thoſe perambulations were the fruit and effect of that famous Charter, which is called *Charta de forreſta*, whereby many tumults, troubles, and diſcontents had beene taken away, and compoſed betweene the King and his ſubjects, and it is full of danger, that by reviving thoſe old Queſtions wee may fall into the like diſtempers.

Inlargement of forreſts.

Againſt expreſſe Statutes.

*Charta de forreſta* made uſeleſſe.

He ſaid, that hereby no blame could fall upon that great Lord, who is now Iuſtice in Eyre, and in whoſe name theſe things were acted, it could not be expected that he ſhould take notice of the lawes and cuſtomes of the realme, therefore he was carefull to procure the aſſiſtance and direction of the Iudges, and if any thing were done againſt law, it was for them to anſwer, and not for him.

Iuſtice in Eyre cleared.

The Anſwer lies upon the Iudges.

Particular obliquities.

The particular irregularities and obliquities of this buſineſſe were theſe.

Surreptitious proceedings.

1 The ſurreptitious procuring a verdict for the King, without giving notice to the Countrey, whereby they might be prepared to give in evidence for their owne intereſt and indemnitie, as was done in *Eſſex*.

A judgement pretended.

2 Whereas the Iudges in the Iuſtice ſeat in *Eſſex* were conſulted with, about the entry of the former verdict, and delivered their opinion touching that alone, without medling with the point of right, this opinion was after inforced in other Counties, as if it had beene a judgement upon the matter, and the Councell for the Countie diſcountenanced in ſpeaking, becauſe it was ſaid to be already adjudged.

The Subject diſturbed.

3 The inheritance of divers of the Subjects have beene hereupon diſturbed, after the quiet poſſeſſion of three or foure hundred yeares, and a way open for the diſturbance of many others.

Inforced to compound for great fines.

4 Great ſummes of money have been drawn from ſuch as have lands within theſe pretended bounds, and thoſe who have forborne to make compoſition, have beene threatned with the execution of the forreſt lawes.

5 The

5 The fifth, was the selling of Nusances, or at least, some such things as are supposed to bee Nusances. Selling of Nusances.

The King as Father of the Common wealth is to take care of the publike Commodities, and advantages of his subjects, as Rivers, Highways, Common Sewers, and such like, and is to remove whatsoever is prejudiciall to them, and for the tryall of those, there are legall and ordinarie writs, of *Ad quod dammum*: but of late a new and extrajudiciall way hath beene taken, of declaring matters to be Nusances, and divers have thereupon beene questioned, and if they would not compound they have beene fined; If they doe compound, that which was first prosecuted as a common Nulance, is taken into the Kings protection, and allowed to stand, and having yeelded the King Money, no further care is taken, whether it bee good or bad for the common wealth. By this a very great and publike trust is either broken or abused: if the matter compounded for be truly a Nusance, then it is broken to the hurt of the people: if it bee not a Nusance, then is it abused to the hurt of the partie: the particulars mentioned, were: The legall tryall of Nusances omitted. A new extrajudiciall way practised. Compositions inforced, and A publike trust broken or abused. The particulars.

1 The Commission for buildings in and about this Towne, which heretofore hath beene presented by this House as a grievance in K. *James* his time, but now of late the execution hath beene much more frequent and prejudiciall than it was before. Commission for building.

2 Com-

Depopulations

Secondly, Commission for Depopulations, which began some few yeares since, and is still in hot prosecution.

The severall mischiefes, of both.

By both these, the subject is restrained from disposing of his owne, some have beene commanded to demolish their houses, others have beene forbiddden to build, other after great trouble and vexation, have beene forced to redeeme their peace with large summes, and they still remaine by law, as lyable to a new question as before, for it is agreed by all, that the King cannot licence a common Nusance: and although in deed these are not such, yet it is a matter of very ill consequence, that under that name they should be compounded for, and may in ill times bee made a president for the Kings of this Realme to claime a power of licencing such things as are Nusances indeed.

Militarie charges.

The seventh, The Militarie charges laid upon the severall Counties of the Kingdome, sometimes by warrant under his Majesties signature, sometime by Letters from the Councell Table, and sometimes (such hath been the boldnesse and presumption of some men) by the order of the Lord Leivtenants, or Deputie Lievtenant alone.

A growing evill.

This is a growing evill still multiplying and increasing from a few particulars to many, from small summes to great: it began first to be practised

practiſed as a loane, for ſupply of coat and conduct money, and for this it hath ſome countenance, from the uſe in Queene *Elizabeths* time, when the Lords of the Councell did often deſire the deputie Lievtenants to procure ſo much money to be laid out in the Countrey as the ſervice did require, with a promiſe to pay it againe in *London*; for which purpoſe there was a conſtant warrant in the Exchequer. This (he ſaid) was the practice in her time, and in a great part of King *Iames's*, and the payments ſo certaine, as it was little other wiſe, than taking up money upon bils of Exchange; at this day they follow theſe preſidents, in the manner of the demand (for it is with a promiſe of a repayment) but not in the certaintie and readineſſe of ſatisfaction.

Coat and conduct money how practiſed by Q. Eliz.

The firſt particular brought into a taxe (as he thought) was the Muſter Maſters wages, at which many repined, but being for ſmall ſummes it began to bee generally digeſted: yet in the laſt Parliament, this Houſe was ſenſible of it, and to avoid the danger of the preſident, that the ſubjects ſhould be forced to make any payments without conſent in Parliament, they thought upon a Bill that may bee a rule to the Lievtenants what to demand, and to the people what to pay. But the hopes of this Bill were daſht in the diſſoluion of that Parliament. Now of late divers other particulars are growing into practice,

Muſter maſters wages.

dice, which make the grievance much more heavie: those mentioned were these,

Pressing.

1 Pressing men against their will, and forcing them which are rich or unwilling to serve to find others in their place.

Publike Magazins.

2 The provision of publike Magazines for powder, and other Munition, Spades and Pickaxes.

Salary of officers.

3 The Salarie of Divers officers besides the Muster-Master.

Cart-horses and Carts.

4 The buying of Carthorses and Carts, and hiring of Carts for Cariages.

Extrajudiciall declarations of Iudges.

The eighth, The extrajudiciall declarations of Iudges, whereby the subjects have beene bound in matters of great importance without hearing of Councell or Argument on their part, and are left without legall remedie, by writ of errour or otherwise: he remembred the expression used by another member of the house of a teeming Parliament: this (he said) was a teeming grievance: from hence have issued most of the great grievances now in being, The Ship-money, the pretended Nusances already mentioned, and some others which have not yet been toucht upon: Especially that concerning the proceedings of Ecclesiasticall Courts.

A teeming grievance.

9 The

The ninth, That the authoritie and wisedome of the Councell Table, have beene applyed to the contriving and managing of severall Monopolies, and other great grievances (he said) The institution of the Councell Table, was much for the advantage and securitie of the subject, to avoid surreptions and precipitate Courts in the great affaires of the Kingdome: That by law an oath is to be taken by all those of the Kings Counsell, in which amongst other things it is expresst, that they should for no cause forbeare to doe right, to all the Kings people, and if such an oath be not now taken, he wisht it might be brought into use againe.

Monopolies countenanced by the Councell Table.

The ancient oath of counsellours.

It was the honour of that Table, to bee as it were incorporated with the King, his royall power and greatnesse did shine most conspicuously in their actions, and in their Councels: Wee have heard of Projectors and Refurees heretofore and what opinion and relish they have found in this House is not unknown. But that any such thing should be acted by the Councell Table, which might give strength and countenance to Monopolies, as it hath not beene used till now of late, so it cannot be apprehended without the just griefe of the honest subject, and incouragement of those who are ill affected.

Their trust & dignity.

He remembred that in *Term* of King.

Much diminished and debased.

a Noble Gentleman, then a very worthy member of the Commons House, now a great Lord and eminent Councellour of State, did in this place declare this opinion concerning that clause used to bee inserted in Patents of Monopolie, whereby Iustices of peace are commanded to assist the Patentees, this hee urged as a great dishonour to those Gentlemen, which are in commission to bee so meanely imployed, with much more reason, may wee in jealousie of the honour of the Councell Table, humbly desire that their precious time, their great abilities designed, to the publike care and service of the Kingdome, may not receive such a staine, such a diminution, as to be imployed in matters of so ill report, in the estimation of the law: of so ill effect, in the apprehension of the people.

By being imployed in matters of such ill report.

Star-chamber a great Councell.

The tenth, The high Court of Starchamber, which some thinke succeed that, which in the Parliament Rolles is called, *Magnum Concilium*, and to which, Parliaments were wont so often to referre those important matters, which they had no time to determine. This Court, which in the late restauration or erection of it, in *Henry* the seventh's time, was especially designed to restraine the oppression of great men, and to remove the obstructions and impediments of the law. This which is both a Court of Councell and a Court of Iustice, hath beene made an instrument of erecting and defending Monopo-

A court erected against oppression.

lies

lies and other grievances; to set a face of right upon those things, which are unlawfull in their owne nature: a face of publike good, upon such as are pernicious in their use and execution. The Soape-patent, and divers other evidences thereof may be given, so well knowne, as not to require a particular relation: And as if this were not enough, this Court hath lately intermedled with the Ship money, divers Sheriffes have beene questioned, for not levying and collecting such summes, as their Counties have beene charged with, and if this beginning bee not prevented, the Starre-chamber will become a Court of Revenue, and it shall bee made crime not to collect or pay such taxes, as the State shall require.

Applyed the establishing of Monopolies.

To the recovery of Ship-money.

The eleventh, Hee said, hee was gone very high, yet hee must goe a little higher: that great and most eminent power of the King of making Edicts and Proclamations, which are said to bee *Leges Temporis*, with which our Princes have used to encounter with sudden and unexpected danger, as would not indure so much delay, as assembling the great Councell of the Kingdome. This which is one of the most glorious beames of Majestie, most rigorous in commanding reverence, and subjection, to our unspeakable griefe, hath been often exercised for the enjoyning and maintaining sundry Monopolies, and other grants,

The Kings edicts and Proclamations.

For the erecting of Monopolies.

exceeding burdensome, and prejudiciall to the people

The word and truth of God.

The twelfth, Although he was come as high as he could upon earth, yet the presumption of evill men did leade him one step higher, even as high as Heaven, as high as the Throne of God. It was now, he said, growne common, for ambitious and corrupt men of the Clergie, to abuse the truth of God, and the bond of conscience, preaching downe the lawes and liberties of the Kingdome, pretending Divine authoritie, for an absolute power in the King, to doe what hee would with our persons, and goods, this hath beene often published in Sermons, and Printed bookes, and is now the high way to preferment.

Pretended for the absolute power of Kings.

The offence of D. *Mainwaring*.

The first Parliament, wee had a sentence for an offence of this kind, against one *Mainwaring*, then a Doctor, now a Bishop, concerning whom (hee said) hee would say no more but this, that when hee saw him at his Barre, in the most humble dejected posture, that ever hee observed, hee thought hee would not so soone have leapt into a Bishops chaire, but his successe hath emboldened others, therefore (hee said) this may well bee noted as a double grievance, that such doctrine should bee allowed, that such men should bee preferred, yea as a roote of grievances whereby they indeavour

Now practised by others.

to-

to corrupt the King's conscience, and as much as in them lyes, to deprive the people of that Royall protection, to which his Majestie is bound by the fundamentall Lawes of the Kingdome, and his owne personall oath.

To the great hurt and grievance of the people.

The thirteenth: The long intermission of Parliaments, contrary to the two statutes yet in force, whereby it is appointed there should bee Parliaments once a yeare, at the least, and most contrary to the publike good of the Kingdome, for this being well remedied would produce remedies for all the rest.

The Intermission of Parliaments.

Having put through the severall heads of grievances, hee came to the second maine branch, propounded in the beginning. That the disorders from whence these grievances issued, were as hurtfull to the King, as to the people, of which hee gave divers reasons.

The subjects grievances hurtfull to the King.

1 The interruption of the sweet communion which ought to bee betwixt the King and his people, in matters of grace and supply. They have need of him by his generall pardon, to be secured from projectors, and informers, to bee freed from obsolete lawes, from the subtle devices of such as seeke to restraine the Prerogative to their owne private advantage, and the publike hurt; and he hath need of them for councell and supore, in great and extraordina-

Bb interrupt their communion.

dinary occasions. This mutuall intercourse would so weane the affections and interests of his subjects, into his actions and designes, that their wealth and their persons would bee his, his owne estate would bee managed to most advantage, and publike undertakings would bee prosecuted at the charge and adventure of the subject: The victorious attempts in Queene *Elizabeths* time upon *Portugall*, *Spaine*, and the *Indies*, were for the greatest part, made upon the subjects purses, and not upon the Queenes, though the honour and profit of the successe, did most accrew to her.

By domesticall breaches and discontents.

2 Those often breaches and discontentments betwixt the King and the people, are very apt to diminish his reputation abroad, and disadvantage his treaties and alliances.

By weakning his partie abroad.

3 The apprehension of the favour and incouragement given to Poperie, hath much weakned his Majesties partie beyond the Sea, and impared that advantage which Queene *Elizabeth* and his Royall Father have heretofore made, of being heads of the Protestant union.

By forcing his subjects to leave the Kingdome.

4 The innovations in Religion and rigour of Ecclesiasticall Courts, have forced a great many of his Majesties subjects to forsake the land, where

whereby not onely their persons, and their posteritie, but their wealth, and their industrey are lost to this Kingdome, much to the demolishing of his Majesties Customes and Subsidies. Amongst other Inconveniences, this was especially to be observed, that divers Clothiers driven out of the Countrey, had set up the manufacture of Cloth beyond the Seas, whereby this State is like to suffer much by abatement of the price of Woolls, and by want of imployment for the poore, both which likewise tend to his Majesties particular losse.

5 It puts the King upon unproper wayes of supply, which being not warranted by law, are much more burdensome to the subject, than advantagious to his Majestie. In *France* not long since, upon a survey of the Kings Revenue, it was found that two parts in three, never came to the Kings purse, but were diverted to the profit of the officers or ministers of the Crowne, and it was thought a very good service and reformation, to reduce two parts to the King, leaving still a third part to the Instruments as were imployed about getting it in. It may well bee doubted, that the King may have the like or worse success in England which appeares already in some particulars.

By unproper wayes of supply.

The

The King hath reserved upon this Monopoly of Wines, Thirty thousand Pound Rent a yeere, the Vintner payes Fourty Shillings a Tun, which comes to Ninty thousand pounds: the price upon the Subject by retaile, is increased Two pence a Quart, which comes to Eight pound a Tun, and for Fourty five thousand Tun brought in yeerly, amounts to Three hundred sixty thousand pounds; which is Three hundred and Thirty thousand pounds losse to the Kingdome, above the Kings Rent; other Monopolies, as that of Soape, have beene very chargable to the Kingdome, and brought very little Treasure into his Majesties Coffers.

The law provides for that revenue of the Crowne; which is Naturall and proper, that it may be safely collected, and brought to Account, but this illegall Revenue, being without any such provision, is left to hazard, and much uncertainty, either not to be reteined, or not duly accounted of.

By weakening the industry and courage of the subject.

6 It is apt to weaken the Industrie and Courage of the Subject, if they be left uncertaine: whether they shall reape the benefit of their owne paines, and hazard those who are brought into the Condition of slaves, will easily grow to a slavish disposition, who having nothing to loose, doe commonly shew more boldnesse in disturbing, than in defending a Kingdome.

7 These

7 These Irregular Courses doe give opportunitie to ill Instruments, to insinuate themselves into the Kings service, for we cannot but observe, that if a man be officious in furthering their inordinate burdens of Ship money, Monopolies, and the like: it varnisheth over all other faults, and makes him fit both for Imployment and Preferment: So that out of their offices, they are furnisht for vast expences, purchases, buildings, and the King loseth often more in desperate debts at their deaths, than he got by them all their lives, whether this were not lately verified in a Westerne man, much imployed while he lived: he leaves to the Knowledge of those who were acquainted with his Course, and he doubted not but others might be found in the like case.

By introducing ill Instruments into the Kings service.

Those that are Affected to Popery, to prophanesse, and to superstitious innovations, in matters of Religion. All Kinde of Spies and intelligencers have meanes to be countenanced and trusted if they will be but zealous in these kinde of services, which how much it detracts from his Majestie, in honour, in profit and prosperitie of publike affaires, lyes open to every mans apprehension: and from these zealots of some of them, he thought it proceeded that through the whole course of the English story it might be observed, that those Kings who had beene most respectfull of the lawes, had

beene most eminent in Greatnesse, in Glory and successe, both at home and abroad; and that others, who thought to subsist by the violation of them, did often fall into a state of weakenesse, povertie, and Infortunitie.

By diverting the Kings thoughts from divers great and hopefull enterprises.

8 The differences and discontents betwixt his Majestie, and the people at home, have in all likelyhood diverted his Royall thoughes and Councells from those great opportunities which he might have, not only to weaken the House of *Austria*, to restore the *Palatinate*, but to gaine to himself a higher pitch of power and greatnesse, than any of his Ancestors.

It is not unknowne how weake, how distracted, how discontented the *Spanish* Colonies are in the *West Indies*. There are now in those parts in New *England*, *Virginia*, and the *Caribe-Islands*, and in the *Bermudes*, at least Sixty thousand able persons of this Nation, many of them well armed, and their bodies seasoned to that Climate, which with a very small charge might be set downe in some advantagious parts of these pleasant, rich and fruitfull Countreys, and easily make his Majestie Master of all that treasure, which not onely foments the Warre, but is the great support of Popery in all parts of Christendome.

By producing many chargeable distempers.

9 Lastly, Those courses are apt to produce such

such distempers in the state, as may not be setled without great charge and losse, by which means more may be consumed in a few months than shall be gotten by such wayes in many yeeres.

Having past through the two first generall Branches, he was now come to the third, wherein he was to set downe the wayes of healing and removing those grievances, which consisted of two maine Branches, first in declaring the law where it was doubtfull: The second in better provision for the execution of law, where it is cleere: But (hee said) because he had already spent much time, and began to finde some confusion in his Memory, he would referre the particulars to another opportunity, and for the present onely move that, which was generall to all, and would give waight and Advantage to all the particular wayes of Redresse; that is, that wee should speedily desire a Conference with the Lords, and acquaint them with the Miserable Condition wherein wee finde the Church and State, and as we have already resolved to joyn in a religious seeking of God, in a day of fast and humiliation, so to intreat them to concurre with us, in a Parliamentary course, of petitioning the King as there should bee occasion, and in searching out the causes and remedies of these many insupportable grievances under which

The wayes of remedying their grievances.

we lye, that so by the united wisedome and authoritie of both Houses, such courses may be taken, as (through Gods blessing) may advance the honour and Greatnesse of his Majestie, and restore and establish the peace and prosperitie of the Kingdome.

This (he said) Wee might undertake with comfort and hope of successe: for though there be a darknesse upon the land, a thick and palpable darknesse, like that of *Egypt*; yet as in that, the Sunne had not lost his light, nor the *Egyptians* their sight, the interruption was onely in the *Medium*, so with us there is still (God be thanked) light in the Sun, Wisedome and Justice in his Majestie to dispell this darknesse, and in us there remaines a visual faculty, whereby wee are inabled to apprehend, and moved to desire light, and when we shall be blessed in the enjoying of it, we shall thereby be inabled to returne his Majestie such thanks, as may make it shine more cleerly in the world, to his owne glory, and in the hearts of his people, to their joy and contentment.

FINIS.

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# Mr. EDVVARD HYDES SPEECH

AT

A Conference betweene both *Houses*, on Tewsday the 6th. of *July*, 1641.

At the Transmission of the severall Impeachments against the Lord Chiefe *Barron Dampart*, Mr. *Barron Trevor*, and Mr. *Barron Weston*.



Printed at *London* for *Abel Roper*, at the Black *Spread-Eagle*, against St. *Dunstans* Church in *Fleet-Street*, 1641.



# Mr. HYDES SPEECH

## the 6th of July 1641.

*My Lords,*

THERE cannot bee a greater instance of a ſicke and languiſhing *Common-Wealth*, then the buſineſſe of this day; good *God*, how have the guilty theſe late yeares beene puniſhed, when the Judges themſelves have been ſuch Delinquents. 'Tis no marvell that an irregular, extravagant, arbitrary power, like a Torrent, hath broke in upon us, when our bankes, and our Bulworks, the Lawes, were in the Cuſtody of ſuch perſons. Men who had loſt their Innocence could not preſerve their courage, nor could we looke that they who had ſo viſibly undone us, themſelves ſhould have the vertue or credit to reſcue us from the oppreſſion

of other men, 'twas once ſaid by one, who always ſpoke excellently, that the twelve *Iudges were like the* 12. *Lyons under the Throne of Soloman*; under the Throne in *obedience*, but yet *Lyons*: your Lordſhips ſhall this day heare of ſix, who be they what they will be elſe) were no *Lyons*: who upon vulgar feares delivered up the pretious Forts they were truſted with, almoſt without aſſault, and in a tame, eaſie, trance of flattery and ſervitude, loſt and forfeited (thamefully forfeited) that reputation, awe and reverence, which the Witedome, Courage, and Gravity of their Venerable Predeceſſors, had contracted and faſtned to the places they now hold, and even rendred that ſtudy and Profeſſion, which in all Ages hath been, and I hope now ſhall be of an Honourable eſtimation, ſo contemptible and vile, that had not this bleſſed day come, all men would have had that quarrell to the Law it ſelfe, which *Marius* had to the Greeke tongue, who thought it a mockery to learne that Language, the Maſters whereof lived in bondage under others: And I appeale to theſe unhappie Gentlemen themſelves, with what a ſtrange negligence, ſkorne and indignation, the faces of all men, even of the meaneſt have beene directed towards them, ſince to call it no worſe) that fatall declenſion of their underſtandings in thoſe Judgements, of which they ſtand here charged before your Lordſhips: But (my Lords) the worke of this day is the greateſt inſtance of a growing, and thriving

thriving *Common-wealth* too: and is as the dawning of a faire and lasting day of happineſſe to this Kingdome, 'tis in your Lordſhips power, (and I am ſure tis in your Lordſhips will) to reſtore the dejected broken people of this Iſland, to their former joy and ſecuritie, the ſucceſſors of theſe men to their old priviledge and veneration, *& ſepultas propè leges revocare.*

*My Lords*, the Iniquity of *Iudges* is infectious, and their craftieſt combination to leave as few innocent as may be, your Lordſhips have heard of the juſtice of two of the greateſt Courts of *Weſtminſter*, and that you may know how little advantage the other of his Majeſties Revenue, the Court of *Exchequer*, hath of its fellowes in the adminiſtration of right. I am commanded by the Houſe of *Commons* to preſent to your Lordſhips three ſeverall charges, againſt three Iudges of that Court, my Lord chiefe Baron *Dampert*, Mr. *Baron Trevor*, and Mr. *Baron Weſton*, your Lordſhips will pleaſe to heare them read.

Your Lordſhips obſerve, that the great reſolution in *Shipmony*, was a Crime of ſo prodigious a nature, that it could not be eaſily ſwallowed, and digeſted by the Conſciences, even of theſe men, but as they who are to wraſtle or run a race, by degrees prepare themſelves by dyet, and leſſer aſſayes for the maine exerciſe, ſo theſe *Iudges* enter themſelves and harden their hearts by more particular treſpaſſes upon the Law: by impoſitions and taxes upon the Merchant in

Trade, by burdens and preſſures upon the Gentry in Knighthood, before they could arrive at that univerſall deſtruction, of the Kingdome by *Ship-money*, which promiſed reward and ſecurity for all their former ſervices, by doing the worke of a *Parliament* to his Majeſty in ſupplies, and ſeemed to delude juſtice, in leaving none to judge them, by making the whole Kingdome party to their oppreſſion.

*My Lords*, of this Crime theſe three *Judges* ſeeme to be at leaſt equally guilty, for however one of them *my Lord Chiefe Barron*, is not charged with that Judgement, in the *Exchequer-Chamber* againſt Mr. *Hampden*, and how hee failed in making his concluſion from his owne premiſſes, he onely can informe you. Your Lordſhips ſee how quickly he repented, that that miſchiefe was done without him there, by his overtaking his Brethren in his circuit, and as he ſaid of the vileſt kinde of flatterers, *Crudeliſſimo ſervitutis genere, quod intra ſe abominabantur, palam laudabant*: hee made all poſſible haſt to redeeme himſelfe from that imputation of *Juſtice*, and declared publiquely in the face of the Country, that it was adjudged by all the *Judges* of *England*, that *Shipmoney* was due to the King, though I beleeve he will be now glad to be thought none of thoſe Judges, and what others did he well knew, And thereupon impriſon'd a poore man for doing that, which if *Ship-money* had beene due to his Majeſty by *Magna Charta*, had beene lawfull for him

him to have done; of the Resolutions and judgement it selfe I am not to speak, your Lord-ships have passed your noble Judgement.

My Lords, the first charge in order is, that presumptuous Decree against Mr. *Rolles* and others, and in truth whatsoever glosse they put upon it, is no other then a plaine grant of the Subsidy of *Tunnage* and *Poundage* to his Majesty upon all Merchandize; after their goods seised for *non-payment* of that pretended duty, the Proprietors brought *Replevins* (which is the naturall and *genuine* remedy), appointed by Law in case of Property, and grounded upon property) the Court awards an injunction to stay these *Replevins*, the goods were in the Kings possession, and no *Replevin* would lye against the King: truly (my Lords) the Injustice here is not so scandalous, as the fraud; we all know a *Replevin* (as no other suite) lyes against the King, if the goods be in his owne hands, in his Bedchamber, but to call a seizure by the Farmours (of whose interest this Court will not deny the notice, and if his Majesty had any right, they well knew he had transferred it to these men) or the Ware-houses of the Customers, the Kings possession, to defeate the Subject of his proper remedy, was the boldest piece of *Sophistry* we have met with in a Court of Law: Pardon me if I am transported: The *Civilians* say, *Tutor Dominis loco habetur cum rem administrat, non cum pupillum spoliat*. The Office of Judges is to preserve and give remedy for right, here they found

found a right, a knowne and questionable right, yet instead of assisting tooke away the remedy, to preserve that right, what shall we call these *Judges*? my Lords, in this Argument I am not willing to say much; tis enough that your Lord-ships know Tunnage and Poundage is not a duty to the Crowne; but a Subsidie, and so granted in *Subsidium*, sometimes *pro una vice tantum*, sometimes for yeares, and then ceased when the time did expire, that when it was first granted for life, it was with this clause: *Ita quod non trahatur in exemplum futuris Regibus*, but tis abundantly enough that his sacred Majesty cannot bee tainted with the advices and judgements of these men, but lookes on this duty singly as the meere affection and bountie of his Subjects, the which no doubt he shall never want.

*My Lords*, the next charge is concerning *Impositions*, Mr. *Vassalls* goods are seised for not paying Impost, which hee conceived to bee against Law, he is imprisoned, and judgement given against him, without suffering him to bee heard, upon the point of right, because that had beene heretofore iudged in *Bates's* Case: And yet these very Judges have not thought themselves so bound up by former judgements, but that since this time they have argued a case upon the same point, which was adjudged in *Hillary Terme* in the 15. *Eliz.* and confirmed after by all the *Judges* of *England* in a Writ of Errour, in the 21. yeare of that *Queenes* reigne, tis *Walsingham's* Case, howev e

however the ſame modeſty ſeized them againe in the caſe of a Noble *Lord*, not now preſent: Whether the King without aſſent of *Parliament*, may ſet impoſitions upon the Wares, and goods of Merchants, is no new queſtion; it hath been more then once debated in *Parliament*, and indeed whilſt it was a queſtion, was fitteſt for a *Parliament*: I will not trouble your *Lordſhips* long: 'tis now reſolved, and nothing new can be ſaid in this Argument, though I may have leave to ſay, if the King can by his Letters Patents create ſuch a right to himſelfe, and by a legall courſe recover that right under ſuch a Title, ſuch Letters Patents are in no degree inferior to an Act of *Parliament*: to reconcile ſuch a power in the Prince, and the property of the Subject, that the one muſt not be deſtructive to the other, will require a much greater, a ſubtler underſtanding then I pretend to; but my *Lords* I doe not thinke the judgement in this point to be ſo great a crime in theſe *Judges*, as that they preſumed to judge at all; the matter had beene long debated in *Parliament* undetermined, and therefore not within the Conuſance of an inferiour Court, had it not beene true that Forteſcue ſayes in his 36. Chapter of the Lawes of *England*, *Nequo Rex per ſe aut Miniſtros ſuos, tallagia, ſubſidia, aut quevis onera alia imponit &c. ſine conceſſione vel aſſenſu totius Regni ſui in Parliamento ſuo expreſſo &c.* If the Statute *de Tallagio non concedendo*, if the 30th. Chapter of

 *Magna*

*Magna Charta*, and all the other Statutes to that purpose, bee not cleere in the point, they might easily have apprehended so much weight, so much difficulty in the question, (especially since in all our Law bookes, not so much as the word imposition is found, untill the case in my Lord *Dyer* of 1. *Eliz.* (*fol.* 163.) that they might very well have suspected themselves to bee no competent *Iudges* for that determination, and I hope by the experience of this *Parliament* the *Iudges*, will recover that ancient modesty, to beleeve that some cases may fall out that may not be properly within their jurisdiction in the 9. yeare of *Eliz:* (tis in the *Parliament Rolls*) It being found by an office after the death of *Gilbert de Clare* Earle of *Gloster*, that his sisters were his Heyres, *nisi Comitissa Gloecestriæ esset pregnans*, the question was, whether the King might grant the Heyres their Livery in *preiudicium impregnaturæ*: This was conceived *negotium novum, & difficile*, and the King having commanded the *Chancellour* and *Iudges* to deliver their opinions in writing, they returned, *quod non audebant dictum negotium definire, nec Domino Regi consulere sine assensu magnatum, propter raritatem & difficultatem*: whereupon day was given to the parties, *ad proximum Parliamentum*. And your Lordships well know the speciall care that is taken by the Statute of 14. *Ed.* 3. *cap.* 5. that such matters as for the difficulty are not fit for the *Iudges*, or through eminent delay are not dispatched

patched by the *Iudges*, ſhall be determined in *Parliament*. Not ſuch matters as the parties concerned, had rather venture upon your Lordſhips judgements, then upon the Rules, and proceedings of the Law (*God* knowes what miſchiefe and confuſion may fall out upon that admiſſion) there muſt be ſuch difficulty, ſuch delay, before that Statute meant your Lordſhips Iuſtice ſhould be concerned in the reſolution, I wiſh theſe Gentlemen had thought this buſines a matter of that difficulty as had been fit for ſuch a delay.

*My Lords*, we come next to the charge, concerning Knighthood. Mr. *Maleverer* appeares upon the proceſſe of that Court, pleads and ſubmits to his fine, *ponit ſe in gratiam curiæ*: The *Barons* refuſe to impoſe any fine, they had no power to doe that, he muſt treate with certaine Commiſſioners appointed for that purpoſe, and compound with them: your Lordſhips have not met in the ſame men ſuch contradictions of crymes, who would ſuſpect the ſame men in one charge, to have the mettle to uſurp the power, and exerciſe the juriſdiction of the higheſt Court, the Court of *Parliament*, and preſently to want the Spirit to doe that which was ſo reſtrained, and peculiar to their places to have done, as that none elſe could doe it? they had no power to fyne as if the ſole buſines of ſworn *Iudges* in a Court of Law, were to ſummon and call men thither, and then to ſend them on er-

rands to other Cõmissioners for Iustice: it is true the Commissioners of 1. *Edw.* 1. to *Tepoſſe* and *Berk*, and since to others, were and have been to compound with those, who desired to compound, not otherwise, they had no power to compell any, to fine any; that trust by the Law, was and is onely in the *Judges*: so that if this duty were aright to his Majesty, and the Persons lyable refuse to compound, for ought these *Judges* can doe, the King must loose this duty, they can impose no fyne, onely they have found a trick, which they call the course of the Court, to make his Majesty a saver: appeare while you will, plead what you will, submit to the mercy of the Court, Issues shall goe on still, as if you did neither, till you have done somewhat that Court will not order you to doe, nor is bound to take notice of when you have done: your Lordships will help us out of this Circle? And that you may see how incapable they are of any excuse in this point, the very *Mittimus* out of the *Chancery* gives them expresse command amongst other things, *ut fines omnium illorum qui iuxta proclamationem prædict. ordinem antea prædict. diem susceperisse debuerunt, capiatis &c.* 'Tis onely worth your Lordships observation, this misfortune commonly attends (and may it ever) those absolute, disused rights, that be the thing in it selfe in a degree lawfull, the advisers and Ministers of it so faile in the execution, that as it usually proves as grievous to the Subiect, so by

some

ſome circumſtances it proves as penall to the inſtruments, as if it were in the very nature of the thing againſt all the Lawes of government.

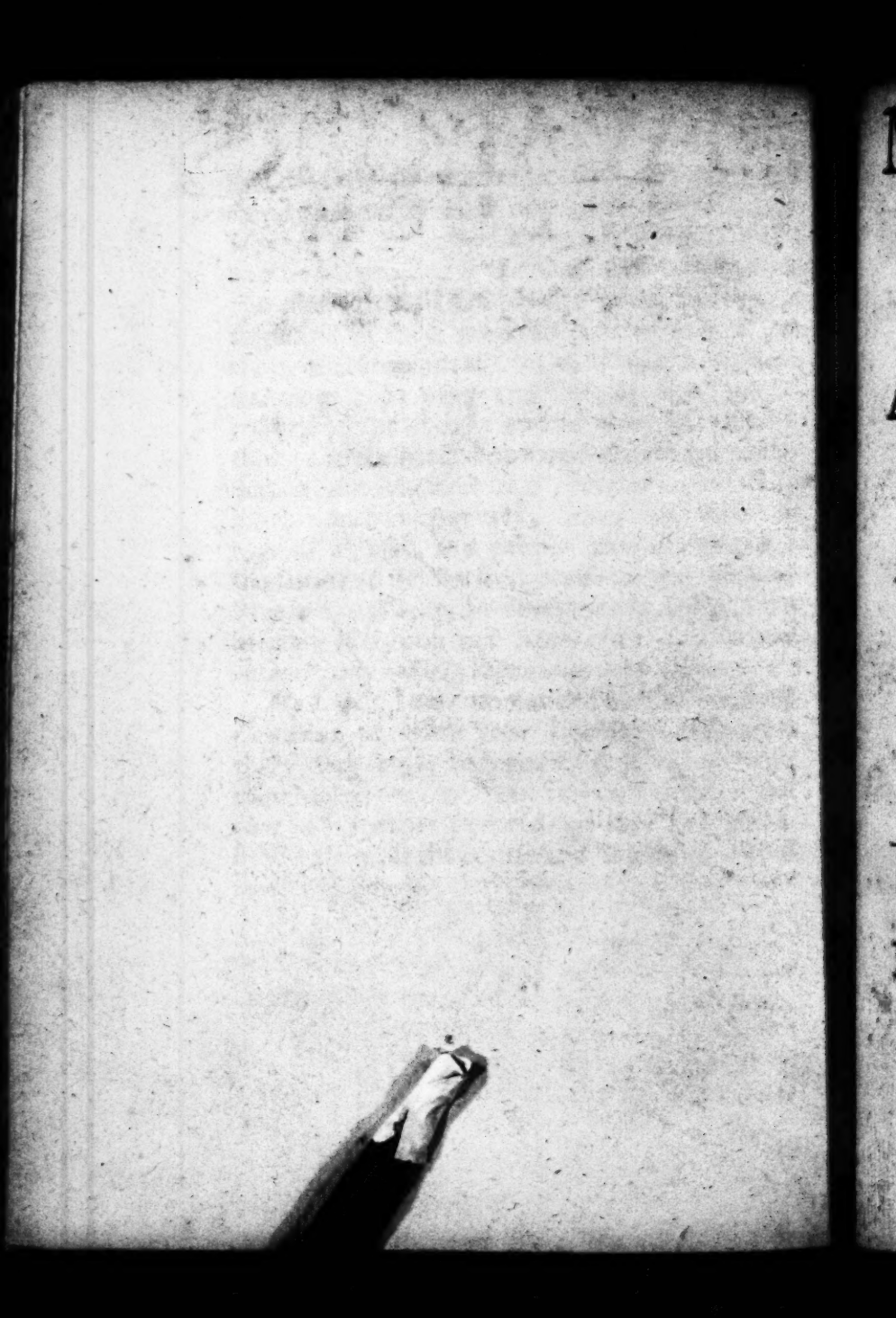
I have wearied your Lordſhips: you ſee in what a dreſſe of injuſtice, ſubtilty and oppreſſion, I am very unwillingly compelled to preſent theſe *Iudges* to you: if they appeare to your Lordſhips under any other character of known and confeſſed learning in the whole courſe of their lives, how farre that will aggravate their fault your Lordſhips muſt onely judge; if under the excuſe of ignorance, or not much knowledge in the duty of their places, your Lordſhips will eaſily conclude, what infinite miſchiefe, of which your Lordſhips have no particular information, the Subjects of this Kingdome have ſuffered in their lives, in their fortunes, under ſuch ignorance, and ſuch preſumption: if under the reputation of prudence and integrity in all caſes, except theſe preſented to your Lordſhips; your Lordſhips will be at leaſt of the ſame opinion that he of *Lacedemon* was of the *Athenians* if they carried themſelves well, when time was, and now ill; they deſerve a double puniſhment: becauſe they are not good, as they were; and becauſe they are evill, as they were not.

*My Lords*, if the excellent, envied conſtitution of this Kingdome, hath beene of late diſtempered, your Lordſhips ſee the cauſes: if the ſweet harmony betweene the Kings protection,

and the Subjects obedience, hath unluckily ſuffered interruption, if the royall Iuſtice, and Honour of the beſt of Kings hath beene miſtaken by his people, if the duty and affection of the moſt faithfull and loyall Nation, hath been ſuſpected by their gracious Soveraigne, if by theſe miſrepreſentations, and theſe miſunderſtandings, the King and People have beene robbed of the delight and comfort of each other, and the bleſſed peace of this Iſland beene ſhaken and frighted into Tumults, and commotion, into the poverty, though not into the rage of Warre, as a people prepared for deſtruction and deſolation: theſe are the men actively or paſſively, by doing or not doing, have brought this upon us: *Miſera ſervitus falſa pax vocatur: ubi iudicia deſinunt incipit bellum.*

*My Lords*, I am commanded by the Houſe of *Commons*, to deſire your Lordſhips, that theſe three *Iudges* may be ſpeedily required to make their anſweres to theſe Impeachments: and that ſuch further proceedings may bee had againſt them, as the courſe and Iuſtice of *Parliament* will admit.

FINIS.



# Mr. WALLERS SPEECH in Parliament,

At a conference of both Houſes in the painted Chamber.

*6. July* 1641.

LONDON.
Printed by *F. N.* for *Abel Roper* at the black ſpread Eagle over againſt Saint *Dunſtans* Church in Fleet-ſtreet. 1641.

# M^r WALLERS
# SPEECH
# in Parliament,

At a conference of both Houses
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6. July 1641.

LONDON.
Printed by J. N. for Abel
Roper at the black spread Eagle over
against Saint Dunstans Church in
Fleet-street. 1641.

MY LORDS,

I Am commanded by the House of Commons, to present you with these Articles against Mr. Iustice Crawley, which when your Lordships shall have beene pleased to heare read, I shall take leave (according to custome) to say something of what I have collected from the sense of that House concerning the crimes therein contained.

*Here the charge was read conteining his extrajudiciall opinions subscribed, and judgement given for Shipmoney, and afterward a declaration in his charge at an Assize, that Shipmoney was so inherent a right in the Crown, that it would not be in the power of a Parliament to take it away.*

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FOXING

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*Here the charge was read containing his extrajudicial opinions subscribed, and judgement given for Shipmoney, and afterwards a declaration in his charge at an Assize, that Shipmony was so inherent a right in the Crown, that it would not be in the power of a Parliament to take away.*

MY LORDS, Not only my wants but my affections render me leſſe fit for this imployment: for though it has not beene my happineſſe to have the Law a part of my breeding, there is no man honours that profeſſion more, or has a greater reverence towards the grave Iudges the Oracles thereof. Out of Parlament all our Courts of Iuſtice are governed or directed by them, and when a Parlament is call'd, if your Lordſhips were not aſſiſted by them, and the Houſe of Commons by other Gentlemen of that Robe, experience tells us it might runne a hazard of being ſtyled *Parlamentum indoctorum*. But as all profeſſions are obnoxious to the malice of the profeſſours, and by them moſt eaſily betrayed, ſo (my Lords) theſe Articles have told you how theſe brothers of the Coyfe are become *fratres in malo*; how theſe ſonnes of the Law have torne out



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the bowells of their mother: But this Iudge (whoſe charge you laſt heard) in one expreſſion of his excells no leſſe his Fellowes, then they have done the worſt of their predeceſſours, in this conſpiracie againſt the Common-wealth. Of the Iudgement for Ship-money, and thoſe extrajudiciall opinions preceding theſame (wherein they are joyntly concern'd) you have already heard; how unjuſt and pernitious a proceeding that was in ſo publique a Cauſe, has beene ſufficiently expreſs'd to your Lordſhips: But this man, adding deſpaire to our miſery, tells us from the Bench, that Ship-money was a Right ſo inhærent in the Crowne, that it would not be in the power of an Act of Parlament to take it away. Herein (my Lords) he did not onely give as deepe a wound to the Common-wealth as any of the reſt, but dipt his dart in ſuch a poyſon, that ſo farre as in him lay it might never receive a cure. As by thoſe abortive opinions ſubſcribing to the ſubverſion of our propriety, before hee heard what could be ſaid for it, he prevented his owne, ſo by this declaration of his he endevours to

prevent the Iudgement of your Lordships too, and to counne the power of a Parliament, the onely place where this mischiefe might be redreſt: Sure he is more wise and learned, then to beleeve himſelfe in this opinion, or not to know how ridiculous it would appeare to a Parliament, and how dangerous to himſelfe, and therfore no doube but by saying no Parliament could abolish this Iudgement, his meaning was that this Iudgement had abolish't Parliaments.

This impoſition of Ship-money springing from a pretended neceſſity, was it not enough that it was now grown annuall, but he muſt intayle it upon the State for ever, at once making neceſſity inhærent to the Crowne, and slavery to the Subject? Neceſſity, which diſſolving all Law is ſo much more prejudiciall to his Majeſtie then to any of us, by how much the Law has inveſted his Royall State with a greater power, and ampler fortune, for ſo undoubted a truth it has ever beene, that Kings as well as Subjects are involv'd in the confuſion which neceſſity produces, that the Heathen thought their gods alſo ob-

liged by the same *Pareamus necessitati quam nec homines nec dii superant*: This Iudge then having in his charge at the Assize declar'd the dissolution of the Law by this suppos'd necessity, with what conscience could hee at the same Assize proceed to condemne and punish men, unlesse perhaps hee meant the Law was still in force for our destruction, and not for our preservation, that it should have power to kill, but none to protect us: a thing no lesse horrid then if the Sunne should burne without lighting us, or the earth serve only to bury and not to feed and nourish us. But (my Lords) to demonstrate that this was a supposititious impos'd necessity, and such as they could remove when they pleasid, at the last Convention in Parliament a price was set upon it *for twelve Subsidies you shall reverse this Sentence*: It may be said that so much money would have removed the present necessity, but here was a Rate set upon future necessity, *For twelve Subsidies you shall never suffer necessity againe, you shall for ever abolish that judgement*: Here this mysterie is revealed, this vizour of necessity is pull'd off,

off, and now it appeares that this Parlament of Iudges had very frankly and bountifully preſented his Majeſtie with twelve Subſidies to be leavied on your Lordſhips, and the Commons: Certainly there is no priviledge which more properly belongs to a Parlament, then to open the purſe of the Subject, and yet theſe Iudges, who are neither capable of ſitting among us in the houſe of Commons, nor with your Lordſhips, otherwiſe then as your aſſiſtants, have not only aſſum'd to themſelves this priviledge of Parlament, but preſum'd at once to make a preſent to the Crowne of all that either your Lordſhips or the Commons of *England* doe, or ſhall hereafter poſſeſſe.

And becauſe this man has had the boldneſſe to put the power of Parlament in ballance with the opinion of the Iudges, I ſhall intreat your Lordſhips to obſerve by way of compariſon the ſolemne and ſafe proceeding of the one, with the precipitate diſpatch of the other: In Parlament (as your Lordſhips know well) no new Law can paſſe, or old be abrogated, till it has been thrice read with

your

your Lordſhips, thrice in the Commons Houſe, and then it receives the Royall Aſſent, ſo that 'tis like gold 7 times purified; whereas theſe Iudges by this one reſolution of theirs would perſwade his Majeſty, that by naming *neceſſity* he might at once diſſolve (at leaſt ſuſpend) the great Charter 32 times confirm'd by his Royall Progenitours, the petition of Right, and all other Lawes provided for the maintenance of the Right and propriety of the Subject; a ſtrange force (my Lords) in the ſound of this word *neceſſity*, that like a Charme it ſhould ſilence the Lawes, while we are diſpoyl'd of all we have, for that but a part of our goods was taken is owing to the grace and goodneſſe of the King, for ſo much as concernes theſe Iudges, we have no more left then they perhaps may deſerve to have, when your Lordſhips ſhall have paſſed Iudgement upon them: This for the neglect of their Oaths, and betraying that publique truſt, which for the conſervation of our Lawes was repoſed in them.

Now for the cruelty & unmercifulneſſe of this judgement, you may pleaſe to remember that in the old Law they were forbid to ſeeth

a Kid in his mothers milk, of which the received interpretation is, that we ſhould not uſe that to the deſtruction of any creature which was intended for its preſervation; Now (my Lords) God and Nature has given us the Sea as our beſt Guard againſt our Enemies, and our ſhips as our greateſt glory above other Nations, and how barbarouſly would theſe men have let in the ſea upon us, at once to waſh away our Liberties, & to overwhelm, if not our Land, all the propriety wee have therein, making the ſupply of our Navy, a pretence for the ruine of our Nation; for obſerve I beſeech you the fruit and conſequence of this judgement, how this money has proſper'd, how contrary an effect it has had to the end for which they pretended to take it: On every County a ſhip is annually impos'd, and who would not expect, but our ſeas by this time ſhould be covered with the number of our ſhips? Alas (my Lords) the daily Complaints of the decay of our Navy tell us how ill ſhip-money has maintain'd the Soveraignty of the ſea; and by the many petitions which we receive fro the wives of thoſe miſerable Captives at *Algier* (being between

4 and

4 and 5 thouſand of our Country-men) it does too evidently appeare that to make us ſlaves at home, is not the way to keepe us from being made ſlaves abroad; ſo farre has this judgement bin from relieving the preſent or preventing the future neceſſity, that as it changed our reall propriety into the ſhadow of a propriety, ſo of a feigned it has made a Reall neceſſity.

A little before the approach of the Gaules to Rome, while the Romans had yet no apprehenſion of that danger, there was heard a voyce in the Aire, lowder then ordinary, *The Gaules are come*, which voyce after they had ſack'd the Citie, and beſieged the Capitoll, was held ſo ominous, that *Livie* relates it as a Prodigy; This Anticipation of neceſſity ſeems to have been no leſſe ominous to us; Theſe Iudges like ill boading birds have call'd neceſſity upon the State in a time when I dare ſay they thought themſelves in greateſt ſecurity; but if it ſeeme ſuperſtitious to take this as an Omen, ſure I am wee may looke on it as a cauſe of the unfained neceſsity we now ſuffer, for what regret and diſcontent had this judgement bred among us? And as when the noyſe and tumult in a private houſe growes ſo loud as to be heard into the ſtreets, it calls in the next dwellers either kindly to appeaſe, or to make their

owne uſe of the domeſtick ſtrife, ſo in all likelihood our knowne diſcontents at home have beene a concurrent cauſe to invite our Neighbours to viſite us ſo much to the expence and trouble of both theſe Kingdomes.

And here, my Lords, I cannot but take notice of the moſt ſad effect of this oppreſsion, the ill influence it has had upon the antient reputation and valour of the Engliſh Nation: and no wonder, for if it be true that oppreſsion makes a wiſe man mad, it may wel ſuſpend the courage of the valiant: The ſame happened to the Romans when for renowne in Armes they moſt excell'd the reſt of the world; the ſtory is butſhort, 'twas in the time of the *Decemviri* (and I think the thief-troublers of our State may make up that number,) The *Decemviri*, my Lords, had ſubverted the Lawes, ſuſpended the Courts of Iuſtice; and (which was the greateſt grievance both to the Nobility & people) had for ſome yeares omitted to aſſemble the Senate, which was their Parliament; This ſayes the Hiſtorian did not onely deject the Romans, and make them deſpaire of their Liberty, but cauſed them to be leſſe valued by their Neighbours: The Sabines take the advantage and invade them; and now the *Decemviri* are forc'd to call the long deſired Senate, whereof the people

*Livie lib. 5.*

were

were so glad, that *Hostibus bello; gratiam habuerunt*: This Assembly breaks up in discontent, nevertheless the warre proceeds; Forces are rais'd, led by some of the *Decemviri*, and with the Sabines they meet in the Field; I know your Lordships expect the event; My Authors words of his Country-men are these, *Ne quid ductu aut auspicio Decemvirorum prospere gereretur, vinci se patiebantur*, They chose rather to suffer a present diminution of their Honour, then by victory to confirme the tyranny of their new Masters: At their returne from this unfortunate expedition, after some distempers and expostulations of the people, an other Senate, that is a second Parliament, is call'd, and there the *Decemviri* are questioned, deprived of their Authority, imprisoned, banish'd, and some lose their lives; and soon after this vindication of their Liberties, the Romans by their better successe made it appeare to the world, that liberty and courage dwell alwayes in the same breast, and are never to be divorced. No doubt, my Lords, but your Iustice shall have the like effect upon this dispirited people; 'tis not the restitution of our ancient Lawes alone, but the restauration of our ancient courage which is expected from your Lordships: I need not say any thing to move your just indignation that this man should

ſo cheaply give away that which your noble Anceſtors with ſo much courage and induſtry had ſo long maintain'd: you have often beene told how carefull they were, though with the hazard of their lives and fortunes, to derive thoſe Rights and Liberties as entire to poſterity as they received them from their Fathers; what they did with labour you may doe with eaſe, what they did with danger you may doe ſecurely, the foundation of our Lawes is not ſhaken with the Engine of Warre, they are onely blaſted with the breath of theſe men, and by your breath may be reſtored.

What Iudgements your Predeceſſors have given, and what puniſhments their Predeceſſors have ſuffer'd for offences of this nature; your Lordſhips have already beene ſo well informed, that I ſhall not trouble you with a repetition of thoſe precedents: Onely (my Lords) ſomething I ſhall take leave to obſerve of the perſon with whoſe charge I have preſented you, that you may the leſſe doubt of the wilfulneſſe of his offence.

His education in the Inns of Court, his conſtant practice as a Counſellour, and his experience as a Iudge (conſidered with the miſchiefe he has done) makes it appeare that this Progreſſe of his through the Law, has beene like that of a diligent Spie

through

through a Country into which hee meant to conduct an enemy.

To let you see he did not offend for company, there is one crime so peculiar to himself, and of such malignity, that it makes him at once uncapable of your Lordships favour, and his owne subsistence incompatible with the right and propriety of the Subject: for if you leave him in capacity of interpreting the Lawes, has he not already declared his opinion, That your votes, and resolutions against Ship-money are voyd, and that it is not in the power of a Parliament to abolish that Judgement? To him, my Lords, that has thus plaid with the power of Parliament, wee may well apply what was once said to the Goat browsing on the Vine,

*Rode, caper, vitem, tamen hinc cum stabis ad aras*
*In Tua quod fundi cornua possit, erit:*

Hee has cropt and infring'd the priviledges of a banish'd Parliament, but now it is returned hee may finde it has power enough to make a Sacrifice of him, to the better establishment of our *Lawes*; and in truth what other satisfaction can hee make his injur'd Country, then to confirme by his example

ple those Rights and *Liberties* which he had ruin'd by his opinion?

For the proofes, my *Lords*, they are so manifest, that they will give you little trouble in the disquisition; his crimes are already upon Record, the Delinquent and the Witnesse is the same; having from severall Seats of Iudicature proclaim'd himselfe an Enemy to our *Lawes* and Nation, *Ex ore suo judicabitur.* To which purpose I am commanded by the Knights, Citizens, and Burgesses of the House of Commons, to desire your *Lordships* that as speedy a proceeding may be had against M^r. Iustice *Crawley* as the course of Parliaments will permit.

*FINIS.*

BRITISH MUSEUM

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# A SPEECH DELIVERED

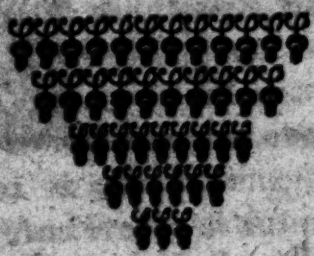
In the House of Commons, *July* 7th 1641. being resolved into a Committee, (So neer as it could be collected together) In the *Palatine* Cause.

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BY

Sr. *SIMONDS D'EWES.*

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Printed in the yeare, 1641.

# A SPEECH DELIVERED

In the House of Commons, July 7th

1646. being resolved into a Committee,

(So much as it could be collected

together) In the Publike Cause.

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BY

SIMONDS D'EWES.

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BRITISH MUSEUM



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Printed in the Yeare,

# A SPEECH DELIVERED BY Sr. Simonds D'Ewes, July, 7th 1641. in the Palatinate cause, &c.

Sir,

WE have during this *Parliament*, fallen upon the debate of the greatest, and most important affaires concerning our owne good and welfaire at home, that ever were agitated, and disoussed at one meeting in the house of Commons. And we are at this present, by the gratious invitation of his Royall Mat. expressed in his most just *Manifest* read unto us, resolved to take into consideration, the most sublime, and most

moſt difficult buſines of the Chriſtian World abroad: which hath for the ſpace of above twenty yeares laſt paſt, drawen all the Kingdomes, and States of *Europe*, into an immediate or mediate ingagement: In which, there have beene twenty pitch't Battles fought, a Million of Men, Women, and Children deſtroyed by the Sword, by the Flames, by Famine, and by Peſtilence; and that ſometimes populous and fertile Empire of *Germany*, reduced to a moſt extreame and calamitous deſolation. I have in thoſe few ſpare houres I could borrow yeſterday, from the publike ſervice of the Houſe, recollected ſome particulars, which may conduce to the clearing of this great cauſe, being drawn out of the Autographs themſelves, or out of our Records at home, or out of the Writings of our very Adverſaries, and others abroad. I ſhall therefore beginne at the Originall it ſelfe, of the never enough to be lamented loſſe of the *Prince Palatines* Dominons, and *Electorall* dignity: that ſo wee may take along with us, in our intended diſputes, not onely our affections, but our conſciences. It is therefore very manifeſt, to all that are but meanly verſt in the Cabinet affaires of Chriſtendom, that the *Jeſuites* have conſulted for many yeares laſt paſt, as well before, as

ſince

ſince the furious Warres of *Germany*, by what meanes to ruine the Evangelicall Princes and partie there. Their cheife aime hath beene, ſo to divide the Proteſtant Princes amongſt themſelves, as they might be made vſe of each againſt other, for the ruine each of other. The firſt occaſion that offered it ſelfe within our memories, was the pretences of ſeverall competitors to the Dukedomes of *Cleve* and *Iuliers*, and they failed but a very little to have executed thtir intended deſigne upon that occaſion. But their hopes failing in it, they apply themſelves integrally to *Ferdinand* of *Auſtria*, Duke of *Gratz*, a Prince not long ſince ſo poore, and of ſo meane a conſideration to adde the waight of but one graine, to the down-ballancing of the affaires of Chriſtendome, as his name was ſcarce heard off.

They find him a fit ſubject for them to worke upon, having from his Cradle been bredd up in an extreame hatred of the Proteſtant party, who profeſſed the truth. They reſound nothing into the eares of the old Emperour *Matthias*, but his Couſin *Ferdinands* high merits, ſo as hee paſſing by his owne naturall brothers, and the head of his houſe, the *Spaniſh* King adopts *Ferdinand* of *Gratz* for his ſonne, ſo to prepare a way to make him

him the ſucceſſor of his Scepter, Crown, and Purple.

Then were the ſacred Dyets of the Empire, the ancient meanes to reconcile differences, and prevent jealouſies, as often diſſolved abortively as called inſincerely. Rumours were ſpread of practices and deſignes againſt the Proteſtant Princes and Citties. And that thoſe rumours might not vaniſh in ſmoake, the Liberties of the great and ancient Citie of *Stratsburgh* were oppreſt. The Proteſtant Princes ſeeing materials and engins on every ſide, prepared for their ruine; were neceſſitated to meete at *Heilburn*, and there to conclud an union amongſt themſelves.

This gave the *Jeſuites* an aſſured hope, of making *Germany* ſpeedily miſerable by a calamitous Warre; for not onely the *Pontifician* Princes, tooke the opportunitie to ſettle a Catholike league, as they call dit amongſt themſelves: but alſo, the *Elector* of *Saxony*, like a true *Pſeudo-Lutheran*, neither Proteſtant nor Papiſt, ſhewes as good an affection to the Catholike league, as the Evangelike union. The old Emperour *Matthias* begins now to act his part, and the *Jeſuites* ſpurre on their ready Scholler *Ferdinand* of *Gretz*, to aſcend the bloody Theator they had ſo long deſigned him.

him. Through the old Emperours interceſſion, abuſing the *Bohemian* Proteſtants credulity, with Sugred flatteries and large promiſes, he is admitted to the Crown of that rich Kingdome; which ſoone after made way for him unto the Crowne of *Hungary* alſo. The *Jeſuites* and the *Spaniard* did now onely want a faire occaſion to begin a Warre in *Germany*. The Emperour *Matthias* labours with the Proteſtant Princes, to diſſolve their Vnion; which not taking effect, the Biſhop of *Spiers* is encouraged under hand to pick a quarrell with the Prince *Elector Palatine*, and to build a ſtrong Fortreſſe upon his nighbours Territories, pretending hee had right to that plott of ground, upon which the ſaid Fortreſſe was raiſed: but an higher providence did not ſuffer this Sparke to ſet *Germany* on fire, although it had been kindled at the Prince *Electors* owne doore (to affront and provoke him) for he by an incredible celerity, did cauſe the ſaid Fortreſſe to be demoliſhed before the Enemy could fit and furniſh it for his intended uſe, which made him ſit ſtill, and ſtudie for a new occaſion, which that it might not be long wanting, the Liberties and Priviledges of the Proteſtants in *Bohemia*, contrarie to their new King *Ferdinands* oath, were temerated; and by

that

that meanes in the Yeare 1619. the greater part of the Estates of that Kingdome were necessitated after mature deliberation to abdicate him, and to elect, *Frederick Prince Elector Palatine* for their King.

And thus are wee arrived at that sadd period of time, upon which so many fatalities have ensued, in which we may see evidently, that the *Prince Elector Palatine* was not causallie guilty of any part of that Ocean of bloud, that hath beene since spilt in *Germany*, as the Romish partie doe pretend he was. The Scene was long before prepared by the enemies of the Truth, and the Kingdome of *Bohemia* was filled with armes and hostilities diverse monthes, before his accepting of that Crowne, when himselfe laboured by an earnest Mediation, to have given a peaceable issue to those bloudie beginnings. It was the Honour, and greatnesse of that matchlesse Princesse that he gained heere, and the considerable succours they expected from hence, that especially drew the *Bohemians* to that choice. It therefore concernes us now at length, to provide that the *Prince Elector* himselfe, and the other *Princelie Branches of that great Familie* (being the second without question, if not the first, and most Ancient of the Empire)

extracted

extracted by their last match, from the Royall line of *Great-Britaine*, should not under couler of their Fathers accepting that Crown, to which they now pretend no title, be for ever despoiled of their ancient inheritance Electorall dignitie: to which calamitie they had never been reduced, had not the *French* King at that time forgotten the old Maxime of his Predecessors, which was to keepe even the ballance of *Germanie*, to which also did most farallie concurre, the *Duke of Bavarias* ambition betraying his own bloud, and the *Duke of Saxonies* taking of Armes against the Evangelicall partie. By this meanes and the advancing of *Spinola* with the *Spanish* Armie out of the *Nether-Lands*, was not onely the Kingdome of *Bohemia* lost in a few monthes, but the *Palatinate* also, excepting some few places of strength invested by the Enemie, and that poore people left to slaughter, calamitie, and desolation. The correspondence of some ill Ministers of this State abroad, with those of Forraine states heere, assisted by some farall instrumenes at home, furthered all this mischeife at the instant putting this state in hope of a Match when supplies should rather have been sent from hence, to have preserved at least the *Electorall* Territories from an invading power. It

is true, that the *Spaniſh Match* had been generally treated off, ſome five or ſix yeares before this fatall fire kindled in *Germany*, being firſt ſet on foote by the Duke of *Lerma* under *Philip of Auſtria* the late King of *Spaine*: but now it was effectually advanced and fortified with a conjoyned treatie of accommodating the *Palatine* cauſe without effuſion of bloud. This and much more appeares in the Originall journall-bookes of the two houſes of Parliament in *Anno*. 21. *Iacobi Regis*, which I have ſo far peruſed, as ſo ſhort a time would give leave; and though that matters are there ſet downe at large, eſpecially in the Records of the Houſe of Peers, yet I have abſtracted it into ſo narrow a compaſſe, as may well ſort with the little ſpare time of this Houſe to heare it. The relation was firſt made at White-hall during that Parliament, in the preſence of the greater part of both the ſaid houſes, on *Tueſday Febr*. 24. and it was afterwards Reported upon *Friday* the 27. day of the ſame moneth next enſuing, in the Lords houſe, by the then Lord-keeper, and in the houſe of Commons, by *Sr. Richard Weſton*, at that time Chancellour of the Exchequer. It is ther at large ſet forth, that his M^ties. Royall Father, having had ſeverall faire promiſes from the Emperour *Ferdinand* the 2^d. and the King of *Spaine*, of a peaceable reſtitution of

the

the *Palatinate*, cauſed not onely ſuch conſiderable forces, as were then remaining in *Germanie* under the Prince *Electors enſignes* to disband; but procured alſo, ſome places of ſtrength in the *Palatinate it ſelfe*, to be ſurrendered and conſigned over in truſt to the late *Infanta of Spaine*. But in the yeare 1622. our late Royall Soveraigne King *James*, upon his Ambaſſadors returne from *Bruxels*, having diſcovered the Emperours intentions to be full of inſinceritie and deceit, wrote his Princelie Letters bearing date at *Hampton Court October.* 3. 1622. to the (then & ſtill) Earle of *Briſtow* his Ma^ties: extraordinarie Ambaſſador in *Spaine*; to let him know that he now perceived little ſincerity in all the *Spaniſh Kings* promiſes, for the peaceable reſtitution of the *Palatinate*, by whoſe onely meanes he had ſuffered the ſame to be loſt to the Emperour, and that therefore he ſhould preſently preſſe that King, either to give a full and direct anſwer, under his hand and ſeale, for the reſtitution thereof; or elſe to joyne his Armes with his Ma^tie. againſt the Emperour for the recoverie of the ſame: But this matter as it further appeares by the Originall Iournall-bookes of the Lords houſe, being either not throughly preſſed, or notably diſſembled. So many delaies enſued one upon the necke of another; as in the iſſue it drew his Royall Ma^tie then *Prince of Wales*, to undertake that dangerous and

remote journey unto that Nation, which hath bin the long and hereditarie enemy of *England*. This Iourney, was cheifly undertaken by so great a Prince to add an end, one way or other, to that unfortunate treatie, and his staie in *Spaine* so long, did causally proceed from his earnest desire to have effected a peaceable restitution of the *Palatinate*, and therefore I doubt not, but he shall now live to verifie that excellent, and Heroicke expression, which he made to the *Conde de Oilvarez*, a little before his comming out of that Kingdom.

*Looke for neither Marriage nor friendship, without the restitution of the* Palatinate.

And I assure my selfe, that the force and power of great *Brittaine*, which was lately by subtile and wicked instruments divided against it selfe, being now Vnited in one again, will bee able to effect such great and considerable actions, as shall render his Ma^tie. Name and Raigne glorious to all posterity. The two houses of Parliament, at that time received the before mentioned declaration, with so much resentment, as having first rendred glory to God that had so seasonably discovered the *Spanish-frauds*, and next their humble acknowledgments to their then gratious Soveraigne, for requiring their Counsels in a businesse of so great importance, they did unanimously advize him to

breake off the ſaid two treaties touching the marriage, and the reſtitution of the *Palatinate*; ingaging no leſſe, then their perſons and purſes, for the recovery of the then *Prince Electors ancient and hereditarie Dominions*? It appeares alſo in the Originall Iournall-booke of this houſe, *De anno* 1°. *Caroli*, that this great buſines was againe taken into conſideration, but was finally intombed with other matters of great moment, by the fatall and abortive diſolution of that Parliament. If therefore this great Councell of the Kingdome, did in thoſe two former Parliaments, account the reſtitution of this Illuſtrious and Princely family to bee of ſuch great neceſſitie for the preſerving of true Religion abroad, and ſecuring our ſelves at home, as to ingage themſelves for an aſſiſtance therin: certainely wee may vpon much better grounds vndertake the ſame now, when I aſſure my ſelfe we may goe as farre with a thouſand pounds for the preſent as we could have done with ten thouſand at that time; for let vs but take a ſhort view of the ſtate of Chriſtendome, what it was then, and what it is now, and wee ſhall eaſily perceive a great alteration in the ballance thereof.

In *France* where *Monſieur de Luines* did then rule all, obeying himſelfe acted by the Popes Legate, that King contrary to the examples of *Francis* the

first,

first, *Henry* the second and of *Henry* the Great his own Father and contrary to the maximes and interest of that State and his owne safety, advanced the formidable power and spreading greatnes of the House of *Austria*: but now the same *French* Kings eyes have been so opened, that shaking off that former vnhappie slumber hee was in, hee hath by his armes and power to his immortal honour and glory for divers yeares last past, endeavoured to restore againe that Libertie to the *Germane* Empire, in the ruine of which himselfe had so fatallie before concurred.

The *Swedes* were then involued in severall warres or iealousies with the *Pole* and enforced to keepe at home to defend their owne, but now have a strong Armie and possesse divers peices of important consequence within the very bowells of the Empire.

The Episcopall Electors with the other Pontifician Princes and Prelates the sworne enemies the Protestant Religion, were then rich and potent, but since most of their Countries and Territories have tasted of the same calamities of Warre which they had formerly brought vpon their neighbours so as now they are most of them scarce able to defend their owne, much lesse to defend any other.

The

The *Pseudo-Lutheran* Elector of Saxony that is causallie guiltie more then anie other single person living, of all those calamities and slaughters which have for so many yeares wasted *Germanie* and was then so liberall of his Treasure, and so forward with his armes to ancillate to the Emperors designes to the almost vtter subversion of the true Religion in *Germanie*, is now after the reiterated temeration of his faith and promises, the fatall survivor of the severall devastations of his owne Cuntrie and dominions: So as all those vast difficulties and great dangers which might well have retarded the forwardnes of those two former Parliaments the first being held in the 22. yeare of his Maiestes roiall Father, and the latter in his owne first yeare, being now removed, wee have greater encouragements then ever to concurre with our sacred soveraigne in the asserting of this his most iust and princely Manifest.

For mine owne part I expect no good issue of the present Treatie at the Diet of *Ratisbone*, I know the Duke of *Bavaria* ambitious too well however to imagine that he will part with those large revenues, and much lesse with the Septem-virall dignitie and suffrage hee hath obtained by the Prince Electors calamitie and misfortune; vnles it be extorted from him by force of armes. My

humble advice therefore is, that wee send vp to the Lords to desire a speedy conference with them, in which we may aquaint their Lordships how farre we have proceeded in our approbation of his Maiesties most royall Manifest, and to move them to concurre vnanimously with vs therein.

FINIS.

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K Holles

# Mr. Denzell Hollis, HIS SPEECH TO THE LORDS,

Concerning the setling of the Queen of BOHEMIA, and her Electorall Family, in their Right and Inheritance, with Restitution for their Sufferings.

*July* 9. 1641.

LONDON,
Printed for *Francis Constable*, 1641.

Mr. Denzil Hollis,

HIS

# SPEECH

TO THE

# LORDS,

Concerning the Settling of the Queen of Bohemia and her Elector all Family, in their Kingdoms and Inheritance, with Reflections for their Sufferings.

Feb. 9. 1648.

BRITISH MUSEUM

LONDON,

# Mr. Denzell Hollis HIS SPEECH TO THE LORDS,

## Concerning the setling of the Queen of *Bohemia*, and her Electorall Family, to their Right and Inheritance, with restitution for their sufferings.

*July 9. 1641.*

*My Lords,*

THe Knights, Citizens, and Burgesses of the House of Commons, have commanded me to let your Lordships know, that they have taken into their serious consideration, his Majesties propofall unto them of the Manifest, in which he is graciously pleased to declare his pious intentions

concerning his Royall Sister, the Prince *Palatine* her Son, and the reſt of the Electorall Family.

They do with all humbleneſſe acknowledge his Majeſties favour, in communicating unto them any part of his Royall thoughts, and asking their advice and Counſell, in a buſineſſe that doth ſo neerly concern him; as needs muſt the happineſſe, nay the ſubſiſtence of theſe diſtreſſed Princes, of ſo glorious an extraction, their veins being enriched with the ſame blood, (that is) from ſo Royall Anceſters, derived with glory into his Sacred Perſon.

And in that relation, the Houſe of Commons looks upon them with an eye of tenderneſſe, wiſhing that every drop of that Princely blood, may ever be Illuſtrated with Honour and Happineſſe: That his Majeſty may be Crowned with this bleſſing, To ſee nothing but Glory in himſelfe, and in all that bow unto him.

To heare then, that theſe Princes, ſo nearly allied unto the King, ſhould ſuffer that which is ſo unworthy of them, inſtead of Honour, of Greatneſſe, to finde Oppreſſion, inſtead of a fortune anſwerable to their Birth and Relation, to have their ancient Patrimony torn from them, and detained by a hand of Violence, is a thing which makes our ears to tingle, and our hearts to riſe within us.

My Lords, The Loyall Subject of *England* is ſo well tuned in a ſweet agreeing harmony to the Perſon of his Prince, that he is affected with the leaſt

least touch upon any part of the Princely string, and answers it instantly with a sound proportionable; if it be good and pleasant, with joy and exultation; if harsh and displeasant, with sorrow and lamentation; but a sorrow not womanish, and tainant, but accompanied with indignation, and vigorous magnanimous resolution, to be avenged upon whosoever dare give offence to our Royall Soveraign.

This then is enough to make us zealous for the redresse of the Prince Electors wrongs, to desire (with impatience) to see him reinvested in his rightfull possessions, were there nothing else to move us to it, but our love and affection, and our duty to the King.

But my Lords, There is yet another motive, which hath a strong irresistable operation with us, and it is the consideration, how much this is of importance to the good of Religion, the advancement of the Protestant party, and the redeeming many soules from their Antichristian bondage; which hath a double aspect, and relates to us, not only as we are fellow-members with them of the true Church, which obliges us to a care and defence of them, and gives us an assurance of a reward in heaven: But doth more particularly concern us in point of Policy and Reason of State, by supporting our Allyes, to advance this Kingdom to the highest pitch of Greatnesse and Reputation, to make us formidable abroad to the enimies of our Church and State, and so enjoy Peace, and Safety

Safety, and Tranquillity at home.

For my Lords, the Protestant Religion, and this Kingdome, are like *Hyppocrates* Twins, that must both live and die together.

It is madnesse to thinke this State can subsist, if Religion be subverted; and as great a madnesse to think our Religion can continue here, if we suffer it to be destroyed and eradicated out of our neighbour Countreyes; which can no more be, (that is our Religion and this Kingdome be preserved) when our neighbours of the same Religion and Beliefe with us be consumed, than a Fort can hold out, when all the out-works be taken; or the heart preserved, when a Gangrene hath seized on the outward parts of the body.

My Lords, as the true Religion is in the truth, the heart of *England*, which gives it life, and makes it flourish with strength and power; so is *England*, (in politick respect) the heart of the Protestant Religion in all the other parts of Christendome; and upon occasion, must send out supply into all the neighbouring Countreyes, professing the same Religion with it; which (to be themselves in safety) must be under the Protection of this Fort, under Contribution to this Garrison.

And on the other side, if these Countreyes be one after another invaded and possessed by the enimies of our Religion, that great Tie of Religion between us, and those Bonds be dissolved, which only can unite and strengthen our mutuall affections and relations; as if they get one part,

their appetite will encrease soon to swallow up another.

First, the *Palatinate*; then the other parts of *Germany*; afterwards the *Low Countries*; and then let us think in what condition *England* will stand? It will be left as a Cottage in a Vine-yard; as a Lodge in a Garden of Cucumers; as a besieged City, when all the Defences are gone; it will soon fall to be a prey to the enimy.

My Lords, This consideration likewise works with the Commons of *England*; and as the Wiseman is to have his eyes in his head, and look before him; so they do look before them, and had rather see this evill met halfe way, than stay till it come to them; rather see the eating Gangrene of the *Austrian* ambition in *Germany*, than tarry till it seize upon the vitall parts of this *Island*, and the dearth of Religion inevitably follow.

This businesse took up a serious debate, and after much time, and many Arguments spent upon the Subject, the Knights, Citizens, and Burgesses assembled in Parliament, came to this Resolution which was here read. This they have commanded me to represent unto your Lordships, and desire your Lordships will joyn with them in a tender of the like advice unto his Majesty, and approbation of his Royall Intendments.

And likewise, that his Majesty may be moved in the name of both houses, to recommend this businesse unto his Parliament of *Scotland*, to have the consent and furtherance of that Kingdome, that

that as we be brethren in mutuall affection, in an equall tie of duty and allegeance unto the King our Soveraign; so we may be brethren also in the same tender care, and loving zeale, for the good and support of his Majesties kindred, and their restitution, with their ancient Inheritance, and the safety of the reformed Churches.

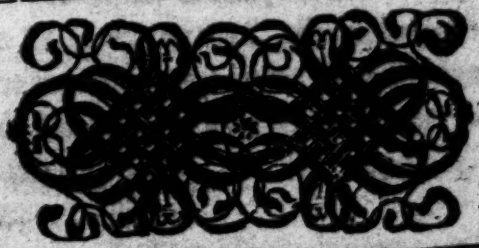
FINIS.

# SIR BENIAMIN RVDYERDS SPEECH;

*Concerning*

# BISHOPS DEANES And CHAPTERS.

At a Committee of the whole House.



Printed in the yeare, 1641.

# SIR

# BENJAMIN

# RUDYERD'S

# SPEECH

# BISHOPS

# DEANS

# CHAPTERS.

BRITISH MUSEUM

At a Committee of the
whole House.

Printed in the yeare,
1641.

# SIR BENIAMIN RVDYERD HIS SPEECH.

Mr. HYDE,

WEE are now upon a very great busineſſe, ſo great indeed, as it requires our ſoundeſt, our ſaddeſt conſideration; our beſt judgement for the preſent, our utmoſt foreſight for the future.

But Sir, one thing doth exceedingly trouble me, it turnes mee round about, it makes my whole reaſon vertiginous, which is, that ſo many doe beleeve, againſt the wiſedome of all ages, that now there can be no reformation without deſtruction; as if every ſicke body muſt be preſently knockt in the head, as paſt hope of cure.

Religion was firſt and beſt planted in Cities, God did ſpread his Net where moſt might be caught, Cities had Biſhops and Presbyters:

byters were the Seminaries out of which were ſent labourers by the Biſhops to propogate and cultivate the Goſpel. The Cleargie then lived wholly upon the free-will offerings and bounty of the people.

Afterwards, when Kings and States grew to be Chriſtians, the outward ſettlement of the Church grew up with them. They erected Biſhopricks, founded Cathedrall Churches, endowed them with large poſſeſſions; Landlords built Pariſh Churches, gleab'd them with ſome portion of land, for which they have ſtill a right of preſentation.

I doe confeſſe that ſome of our Biſhops have had ambitious, dangerous aimes, and have ſo ſtill, that in their government there are very great enormities: but I am not of their opinion who beleeve, that there is an innate ill quality in Epiſcopacie, like a ſpecificall property, which is a refuge, not a reaſon. I hope there is not originall ſin in Epiſcopacie; and though there were, yet may the calling be as wel reformed, as the perſon regenerated. Biſhops have governed the Church for fifteen hundred yeares without interruption: and no man will ſay, but that God hath ſaved ſouls in all thoſe times

under

under their government. Let them be reduced according to the usage of ancient Churches in the best times, so restrained as they may not be able hereafter to shame the calling. I love not those that hate to be reformed, and doe therefore thinke them worthy of the more strict, the more close reformation.

We have often complained, that Bishops are too absolute, too singular. Although Cathedral Churches are now for the most part but receptacles of Droanes and Nonresidents, yet some good men may be found or placed there to be assessors with the Bishops, to assist them in actions of moment, in causes of importance; there is maintenance already provided for them. If either in Bishopricks, or Cathedrall Churches there be too much, some may be pared off, to relieve them that have too little. If yet more may be spared, it may be imployed to the setting up of a preaching Ministery through the whole Kingdome. And untill this be done, although we are Christians, yet are we not a Christian State. There are some places in England that are not in Christendome, the people are so ignorant, they live so without God in the world, for which Parliaments are to answer both to God

and Man. Let us look to it, for it lies like one of the burdens of the Prophet *Eſay*, heavie and flat upon Parliaments.

I have often ſeriouſly conſidered with my ſelfe, what ſtrong concurrent motives & cauſes did meet together in that time, when Abbeyes and Monaſteries were overthrowne. Certainly Gods hand was the greateſt, for hee was moſt offended. The prophane ſuperſtitions, the abhominable idolatries, the filthy nefandous wickedneſſe of their lives did ſtinke in Gods noſtrils, did call downe for vengeance, for reformation A good party of religious men were zealous inſtruments in that great worke, as likewiſe many covetous ambitious perſons, gaping for fat morſels, did luſtily drive it on.

But, Mr. *Hyde*, there was a principall Parliamentary motive, which did facilitate the reſt: For it was propounded in Parliament, that the acceſſion of Abbey lands would ſo enrich the Crowne as the people ſhould never be put to pay ſubſidies again. This was plauſible both to Court and Countrey. Beſides, with the overplus there ſhould be maintained a ſtanding army of fourty thouſand men for a perpetuall defence of the Kingdome. This was ſafety at

home,

home, terrour and honour abroad: the Parliament would make all ſure.

Gods part, Religion, by his bleſsing, hath been reaſonably well preſerved, but it hath been ſaved as by fire: for the reſt is conſumed and vaniſhed: the people have payed ſubſidies ever ſince, and we are now in no very good caſe to pay an Army.

Let us beware, Mr. *Hyde*, that we do not looke with a worldly, carnall, evill eye upon Church lands, let us cleare our ſight, ſearch our hearts, that we may have unmixt and ſincere ends, without the leaſt thought of ſaving our owne purſes. Church lands will ſtill be fitteſt to maintain Church men, by a proportionable and orderly diſtribution.

We are very ſtrict and curious to uphold our own propriety, and there is great reaſon for it: Are the Clergy only a ſort of men who have no propriety at all in that which is called theirs? I am ſure they are Engliſhmen, they are ſubjects.

If we pull downe Biſhopricks, and pull downe Cathedrall Churches, in a ſhort time we muſt bee forc'd to pull downe Colledges too; for Schollers will live and dye there as in Cells, if there bee not conſiderable preferment to invite them abroad. And the example we are making now, will bee an eaſie temptation to the leſſe-preſſing neceſſities of future times.

This

This is the next way to bring in Barbarisme, to make the Cleargy an unlearned contemptible vocation, not to bee desired but by the baseſt of the people; and then where ſhall we finde men able to convince an adverſary?

A Cleargy man ought to have a farre greater proportion to live upon, then any other man of an equall condition. Hee [is] not bred to multiply threepences, it becomes him not to live mechanically, and ſordidly: he muſt be given to hoſpitality. I doe know my ſelfe a Cleargyman, no dignitary, whoſe books have coſt him a thouſand pounds, which when he dies, may be worth to his wife and children, about two hundred.

It will be a ſhameſull reproach to ſo flouriſhing a Kingdome as this, to have a poore beggerly Cleargy. For my part, I think nothing too much, nothing too good for a good Miniſter, a good Cleargy man. They ought leaſt to want, who beſt know how to abound. Burning and ſhining lights doe well deſerve to be ſet in good Candleſtickes.

Mr. *Hyde*, I am as much for reformation, for purging and maintaining Religion, as any man whatſoever: but I profeſſe, I am not for innovation, demolition, nor abolition.

*FINIS.*

MVSEVM BRITANNICVM